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Title 3—The President

EXECUTIVE ORDER 11634

Amending Executive Order No. 11248, Placing Certain Positions in Levels IV and V of the Federal Executive Salary Schedule

By virtue of the authority vested in me by section 5317 of title 5 of the United States Code, as amended, Executive Order No. 11248[1] of October 10, 1965, as amended, is further amended as follows:

1. Section 1 of that order, placing certain positions in level IV of the Federal Executive Salary Schedule, is amended by adding thereto the following:

"(12) Chairman, Pay Board.

(13) Chairman, Price Commission."

2. Section 2 of that order, placing certain positions in level V of the Federal Executive Salary Schedule, is amended—

(a) By deleting "(8) Director, Urban Transportation Administration, Department of Housing and Urban Development," and "(21) Deputy Assistant Postmaster General, Bureau of Operations, Post Office Department"; and

(b) By renumbering items (9) through (20) as (8) through (19), respectively, and items (22) and (23) as (20) and (21), respectively.

Richard Nixon

THE WHITE HOUSE,
December 6, 1971.

[1] 30 F.R. 12999; 3 CFR, 1964–1965 Comp., p. 349.

[FR Doc.71-18040 Filed 12-6-71; 3:47 pm]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 244]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Size Regulation

Notice was published in the FEDERAL REGISTER issue of November 17, 1971 (36 F.R. 21894) that the Department was giving consideration to a proposed size regulation for Navel oranges grown in Arizona and designated part of California, pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The recommended regulation was submitted by the Navel Orange Administrative Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof. Such regulation would limit the handling of Navel oranges grown in District 1 or District 3 to those oranges measuring 2.20 inches in diameter or larger.

The recommended regulation reflects the Navel Orange Administrative Committee's appraisal of the crop and current and prospective marketing conditions. The committee estimates the 1971–72 season crop of Navel oranges at 46,850 carlots. It further estimates that the demand in regulated market channels will require about 72 percent of this volume, and the remaining 28 percent will be available for utilization in export, processing, and other outlets. The volume and size composition of the crop are such that ample supplies of the more desirable sizes are available to satisfy the demand in regulated channels. Therefore, the smaller sizes of oranges should be eliminated from regulated market channels so as to assure consumers of desirable sizes of fruit and to improve returns to growers consistent with declared policy of the act.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

§ 907.544 Navel Orange Regulation 244.

(a) Order: From December 17, 1971, through July 31, 1972, no handler shall handle any Navel oranges, grown in District 1 or District 3, which are of a size smaller than 2.20 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the oranges in any type of container may measure smaller than 2.20 inches in diameter.

(b) As used in this section "handle," "handler," and "District 1," and "District 3" each shall have the same meaning as when used in said amended marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rule making concerning this regulation, with an effective date as herein specified, was published in the FEDERAL REGISTER (36 F.R. 21894), and no objection to this regulation or such effective date was received; (2) the recommendation and supporting information for regulation during the period specified herein were submitted to the Department after open meetings of the Navel Orange Administrative Committee on October 26, and October 29, 1971, which were held to consider recommendations for regulation, after giving due notice of such meetings, at which interested persons were afforded an opportunity to submit their views; (3) shipments of the current Navel orange crop from Districts 1 and 3 are restricted, through December 16, 1971, by the minimum size requirements of Navel Orange Regulation 238 and this regulation should be effective on December 17, 1971, to assure equity among handlers and to continue to effectuate the declared policy of the act by continuing the same size requirements throughout the shipping season; and (4) compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time thereof.

(Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674)

Dated: December 3, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-17896 Filed 12-7-71;8:46 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Releases Nos. 33-5211, 34-9387]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Multi-level Distributorships and Pyramid Sales Plans

The Securities and Exchange Commission has considered the applicability of the securities laws to multilevel distributorship and other business opportunities that are being offered to prospective participants through pyramid sales plans. The Commission believes that the operation of such plans often involves the offering of an "investment contract" or a "participation in a profit-sharing agreement," which are securities within the meaning of section 2(1) of the Securites Act of 1933. In such cases the security involved—the agreement between the offering company and the investor—must be registered with the Commission unless an exemption is available. In the absence of registration or an exemption, sales of these securities violate section 5 of the Securities Act.

Moreover, any person who participates in the distribution of these securities may be a broker as defined in section 3(a) (4) of the Securities Exchange Act of 1934 and, unless an exemption is available, would be required to register as such pursuant to section 15(a) (1) of that Act. For example, this might include, among others, persons who, for a finder's fee, commission, bonus or other compensation, induce others to become participants in the plans for the purpose of recruiting still other participants.

In addition, where deceptive acts and practices are committed in connection with the offer or sale of these securities, those responsible violate the antifraud provisions of section 17(a) of the Securities Act and sections 10(b) and 15(c) (1) of the Securities Exchange Act and Rules 10b-5 and 15c1-2 under that Act.

The common element of the various forms of pyramid promotions is a sales pitch which stresses the amount of money a participant can make on the

recruitment of others to participate in the plan. This may serve to obscure the nature of the basic relationship being created between participants in the plan and the offering company. A discussion of two of the more prominent forms of promotions follows. The description of these programs should not be taken to indicate that promotions taking different forms may not also be within the purview of the following discussion.

In the typical form of multilevel distributorship that has been established through pyramid promotions, the company represents that it intends to manufacture, or to sell under its own trade name, a line of products and it purports to be offering franchises for the distribution of those products which appear to follow established forms of franchise-distributorships. Normally several types of distributorship agreements are said to be available to the public which are described more or less as follows. At the lowest level for a relatively small fee the participant is provided with a sample inventory and will be authorized only to make retail sales to the public. For a larger fee, the participant is supposed to receive a wholesale inventory that he in turn supplies to salesmen whom he supervises. This participant may also be authorized to make retail sales of his own. For an even larger fee, a more substantial wholesale inventory is obtained and responsibility is assumed for supervision of lower-level participants. At the highest level of distribution, for a very substantial fee, a purported right to be the link between the company and the distribution chain is acquired. If the distribution program should actually go into effect, under such plans, in accordance with a predetermined schedule, each distributor would pay less for products to those from whom he gets them than he would receive when he passes the products on through distribution channels to the consumer. Where in these circumstances prospective participants are led to believe that they may profit from participation in these distribution programs without actually assuming the significant functional responsibilities that normally attend the operation of a franchise, in the Commission's opinion there is the offer of a security. Even where a specific offer is not made, if in the actual operation of a distributorship program profits are shared with or other forms of remuneration are given to persons who have provided funds to the enterprise—purportedly for a franchise or other form of license—but those persons do not in fact perform the functions of a franchise, there would appear to be an investment contract.

It must be emphasized that the assignment of nominal or limited responsibilities to the participant does not negative the existence of an investment contract; where the duties assigned are so narrowly circumscribed as to involve little real choice of action or where the duties assigned would in any event have little direct effect upon receipt by the participant of the benefits promised by the promoters, a security may be found to exist. As the Supreme Court has held, emphasis must be placed upon economic reality. See Securities and Exchange Commission v. W. J. Howey Co., 328 U.S. 293 (1946). While the Commission has not taken the position that a franchise arrangement necessarily involves the offer and sale of a security, in the Commission's view a security is offered or sold where the franchisee is not required to make significant efforts in the operation of the franchise in order to obtain the promised return.

A different program that has frequently employed a pyramid sales promotion involves the solicitation of capital from a limited number of "founders" to construct a local retail store that will be owned and operated by the promoters. Under these plans the "founders" typically make a payment of money to the promoters (which may nominally involve the purchase of some product) and the "founders" are provided with some form of identification card that they are required to distribute to prospective customers of the store in advance of the store's opening. Once the store is in operation the "founder" is to receive a "commission" on sales made to those persons having the identification cards that the "founder" has provided. In the Commission's view, these programs involve the offer and sale of investment contracts. The basic promotional efforts that "founders" are required to make in advance of the store's opening—distribution of cards to prospective customers—even if required to continue after the store's opening, do not involve the kind or degree of participation in the management of an enterprise that might negate the inference of an investment relationship.

In Securities and Exchange Commission v. C. M. Joiner Leasing Corp., 320 U.S. 344, 351 (1943), the Supreme Court observed that the nature of securities that are subject to the Federal securities laws does not stop with the obvious and commonplace: "Novel, uncommon, or irregular devices, whatever they appear to be, are also reached if it be proved as matter of fact that they were widely offered or dealt in under terms or courses of dealing which established their character in commerce as 'investment contracts,' or as 'any interest or instrument commonly known as a "security"'." similarly in Securities and Exchange Commission v. W. J. Howey Co., 328 U.S. 293, 301 (1946) the court described the purported sales of orange groves as a kind of investment contract. In that context it stated: "The test is whether the scheme involves an investment of money in a common enterprise with profits to come solely from the efforts of others." It has been contended that, since it is an element of some promotions of the kind here considered that the prospective investor must make some efforts himself, the contracts do not fall within that definition. But in the Commission's view a failure to consider the kind and degree of efforts required of the investors ignores the equally significant teachings of Howey, id. at 299, that form is to be disregarded for substance and that the investment-contract concept.

> Embodies a flexible rather than a static principle, one that is capable of adaptation to meet the countless and variable schemes devised by those who seek the use of the money of others on the promise of profits.

These words compel the conclusion that the Howey decision itself should not be permitted to become a "static principle" easily avoided by ingeniously-devised variations in form from the particular type of investment relationship described in that case.

The term "security" must be defined in a manner adequate to serve the purpose of protecting investors. The existence of a security must depend in significant measure upon the degree of managerial authority over the investor's funds retained or given; and performance by an investor of duties related to the enterprise, even if financially significant and plainly contributing to the success of the venture, may be irrelevant to the existence of a security if the investor does not control the use of his funds to a significant degree. The "efforts of others" referred to in Howey are limited, therefore, to those types of essential managerial efforts but for which anticipated return could not be produced.

Nor is it significant that the return promised for the use of an investor's money may be something other than a share of the profits of the enterprise. The court in Howey described an investment contract providing the investor with an equity interest in the common enterprise; where the interest offered is of a different nature the promised return will necessarily vary. Thus, for example, market-price appreciation in value—not profits in a commercial sense—was significant in the investment contracts recognized by the Supreme Court in Securities and Exchange Commission v. Variable Annuity Life Ins. Co., 359 U.S. 65 (1959) and Securities and Exchange Commission v. United Benefit, 387 U.S. 202 (1967). The expectation of "commissions" for the use of investor's money, when not linked to services of the kind or degree for which commissions are normally paid in noninvestment contexts, is also consistent with the existence of an investment contract.

In a recent decision, the Supreme Court of Hawaii has considered the meaning of the term "investment contract" as used in a State-statute definition of the term "security" that is substantially similar to the definitions contained in the Federal securities laws. State v. Hawaii Market Center, Inc., 485 P. 2d 105 (1971). The Hawaii Market Center through a pyramid promotion had offered participation in a retail-store enterprise of the kind described above. While embracing interpretive principles of the kind laid down by the U.S. Supreme Court in Howey and Joiner, the Hawaii court rejected a literal adherence to the language that the Supreme Court found appropriate in describing the specific type of investment contract that

was before it in Howey, where profits were, indeed, to come "solely from the efforts" of others. In doing so, that court noted the danger that "courts (might) become entrapped in polemics over the meaning of the word 'solely' and fail to consider the more fundamental question whether the statutory policy of affording broad protection to investors should be applied even to those situations where an investor is not inactive, but participates to a limited degree in the operation of the business." Id. at 108 (footnote omitted). For purposes of the Hawaii Securities Act, therefore, the court held (id. at 109) that an investment contract exists where:

(1) An offeree furnishes initial value to an offeror, and

(2) A portion of this initial value is subjected to the risks of the enterprise, and

(3) The furnishing of the initial value is induced by the offeror's promises or representations which give rise to a reasonable understanding that a valuable benefit of some kind, over and above the initial value, will accrue to the offeree as a result of the operation of the enterprise, and

(4) The offeree does not receive the right to exercise practical and actual control over the managerial decisions of the enterprise.

The Commission believes that the court's analysis of the investment-contract concept in the Hawaii Market Center case is equally applicable under the Federal securities laws. While the conclusion of the Hawaii court encompasses types of investment contracts that the Supreme Court of the United States has not yet specifically considered, the Commission believes that its conclusion is fully consistent with the remedial approach repeatedly stated by the Supreme Court to be appropriate in interpreting the Federal securities laws. See Tcherepnin v. Knight, 389 U.S. 322 (1967) (Securities Exchange Act); Securities and Exchange Commission v. Capital Gains Research Bureau, 375 U.S. 180 (1963) (Investment Company Act); Securities and Exchange Commission v. W. J. Howey Co., 328 U.S. 293 (1946) (Securities Act); Securities and Exchange Commission v. C. M. Joiner Leasing Corp., 320 U.S. 344 (1943) (Securities Act).

It further appears to the Commission that the pyramid sales promotions that are often employed in connection with the sale of securities of the types described above may be inherently fraudulent. Under these programs, various cash fees and percentage incentives are offered to those willing to participate as an inducement for the recruitment of additional participants. This aspect of the promotion is often given great emphasis at "opportunity meetings" at which movies may be shown and speeches made concentrating on the allegedly unlimited potential to make money in a relatively short period of time by recruiting others into the program. Since there are a finite number of prospective participants in any area, however, those induced to participate at later stages have little or no opportunity for recruitment of further persons. It is patently fraudulent to fail to disclose these factors to prospective investors. Even where some disclosure of these practicalities is made, moreover, it may be made in a manner that misleadingly fails to note the significance to the participants of the facts disclosed. In the Commission's view, use of this inherently fraudulent device to induce investment in any enterprise offering securities to the public is a violation of the antifraud provisions of the securities laws.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

NOVEMBER 30, 1971.

[FR Doc.71-17921 Filed 12-7-71;8:51 am]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950——)

Subpart D—Old-Age, Disability, Dependents' and Survivors' Insurance Benefits; Period of Disability

FULL-TIME SCHOOL ATTENDANCE

On July 21, 1971, there was published in the FEDERAL REGISTER (36 F.R. 13405) a notice of proposed rule making with a proposed amendment to Subpart D of Regulations No. 4. The proposed amendment provides that where a student completes his course of study and ceases carrying a full-time subject load in a month before the month immediately preceding the month of graduation, he will not be considered in full-time attendance in the month in which he graduates. Interested parties were given the opportunity to submit within 30 days, data, views, or arguments with regard to the proposed amendment. No comments were received and the proposed regulation is hereby adopted without change and is set forth below.

(Sec. 202, 205, and 1102, 53 Stat. 1368, as amended, 49 Stat. 623, as amended; 49 Stat. 647, as amended; sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 402, 405, and 1302)

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER (12-8-71).

Dated: November 15, 1971.

ROBERT M. BALL, *Commissioner of Social Security.*

Approved: November 30, 1971.

ELLIOT L. RICHARDSON, *Secretary of Health, Education, and Welfare.*

Paragraph (c)(2) of § 404.320 is revised to read as follows:

§ 404.320 Child's insurance benefits; conditions of entitlement.

* * * * *

(c) *Definitions of terms.* * * *

(2) *Full-time attendance.* Ordinarily, a student is in "full-time attendance" at an educational institution if he is enrolled in a noncorrespondence course and is carrying a subject load which is considered full-time for day students under the institution's standards and practices. However, a student will not be considered in "full-time attendance" (i) if he is enrolled in a junior college, college, or university in a course of study of less than 13 school weeks' duration, or, (ii) if he is enrolled in any other educational institution and either the course of study is less than 13 school weeks' duration or his scheduled attendance is at the rate of less than 20 hours a week. A student whose full-time attendance begins or ends in a month is in full-time attendance for that month except that a student will not be considered in full-time attendance in the month in which he graduates if he completed his course of study and ceased carrying a full-time subject load in a month before the month immediately preceding the month of graduation.

* * * * *

[FR Doc.71-17903 Filed 12-7-71;8:48 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ROSINS AND ROSIN DERIVATIVES

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 0B2485) filed by Union Camp Corp., Post Office Box 570, Savannah, Ga. 31402, and other relevant material, concludes that § 121.2592 should be amended as set forth below to provide for the safe use of two additional rosin esters in the manufacture of articles or components of articles for food-contact use.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2592 is amended by adding new subdivisions (xix) and (xx) to paragraph (a)(3), as follows:

§ 121.2592 Rosins and rosin derivatives.

* * * * *

(a) * * *

(3) * * *

(xix) Glycerol ester of maleic anhydride-modified tall oil rosin, having an acid number of 30 to 40, a drop-softening

point of 141° C.–146° C., a color of N or paler, and a saponification number less than 280.

(xx) Glycerol ester of disproportionated tall oil rosin, having an acid number of 5 to 10, a drop-softening point of 84° C.–93° C., a color of WG or paler, and a saponification number less than 180.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (12–8–71).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: November 22, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–17892 Filed 12–7–71;8:48 am]

DIETHYLSTILBESTROL

Extension of Withdrawal Period

In the FEDERAL REGISTER of October 23, 1971 (36 F.R. 20534), the Commissioner of Food and Drugs proposed an extension of the withdrawal period required prior to slaughter of cattle and sheep that have been treated with diethylstilbestrol (DES) in feed. Interested persons were provided 15 days within which to submit comments.

Ten comments were received, seven of which were directed to the Secretary of Agriculture. One comment indicated total endorsement and seven requested a longer time in which to implement the required label revisions. Two substantive objections were received. One objection stated that, since no residues of the drug are detected when a 48-hour withdrawal period is observed, an extension of the withdrawal period to 7 days is not necessary for protection of the public health. The other objection (1) stated that extension of the withdrawal period to 7 days is an inadequate response to the public health hazards created by the use of DES in cattle and sheep and (2) incorporated the complaint recently filed in the U.S. District Court for the District of Columbia in "Natural Resources Defense Council, Inc., et al. v. Richardson et al." Paragraph 71 of that complaint alleges that the Commissioner made no finding that the proposed 7-day withdrawal period is reasonably certain to be followed in practice and, alternatively, that any such finding was arbitrary and capricious and not supported by reasonable evidence.

The Commissioner has considered these comments together with other information available to him. He concludes that the proposed regulation should be promulgated for the reasons discussed below.

The biological assay method employed since 1954 and sensitive to 2 parts per billion has not detected DES in the liver of treated animals that have not received medicated feed for 48 hours prior to slaughter. A new chemical method employed in the past few months and sensitive to 0.5–2 parts per billion permits more rapid and inexpensive analysis. This method has recently produced positive DES findings in the liver. These findings may have been the result of false positives, or of the greater sensitivity of the method, or of failure to observe the 48-hour withdrawal period, or of the possibility that some animals do not eliminate DES as rapidly as others. It is, in any event, prudent to increase the withdrawal period to provide an additional margin of safety.

At the time the 48-hour withdrawal period was established in 1954, there was evidence in the literature that all feed was eliminated from ruminants in 48 hours. More recent and sophisticated studies utilizing radioactive tracer elements in the feed have shown that the actual time for all feed to be eliminated from ruminants is between 7 and 10 days. There is a study showing that radioactive DES fed to animals was not detectable in any organ or excretion, including the feces, after 132 hours. All DES is thus eliminated, not only from the edible portions of the animals but also from the inedible portions, in about 5½ days.

At the time the 48-hour withdrawal period was established, livestock marketing practices were also different from those of today. Most fattened cattle were transported to central or terminal markets where they were sold and then subsequently transported to slaughter plants. The time involved in hauling and sale consumed most of the 48 hours required for withdrawal of medicated feed. Now approximately 80 percent of the fattened cattle move directly to slaughter houses and many are killed only a few hours after leaving the feed lot. It is therefore reasonable to provide for a longer withdrawal period in order to assure ample withdrawal time even if the cattle are slaughtered very soon after leaving the farm.

From a practical standpoint, a 48-hour withdrawal period is not as likely to be followed as a 7-day (1-week) period, which is a more common feeding cycle. The switch to nonmedicated feed for only 48 hours is so insignificant as to be a nuisance, especially for the smaller feeder. However, the mixing, ordering, or delivery of a week's supply is a significant change that is more likely to be followed and more susceptible to surveillance through government inspection. Also, the 7-day withdrawal period is more likely to be observed because the cost of a week's supply of nonmedicated feed is appreciably less than the cost of the same amount of medicated feed and this cost differential will help compensate for the trouble of changing to a non-DES feed.

The mandatory certification program being instituted by the U.S. Department of Agriculture together with the surveillance testing by USDA should substantially improve assurance that the full 7 days will be observed. Appropriate regulatory action will be taken against offenders and violative products.

Accordingly, the Commissioner concludes that the conditions of use set out below are reasonably certain to be followed in practice and that, under these conditions of use, no residue will be found (by methods of examination approved by the Commissioner) in any edible portions of animals after slaughter or in any food yielded by or derived from the living animals.

Therefore, pursuant to provisions of the Federal Food, Drug and Cosmetic Act (secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343–51; 21 U.S.C. 360b, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121, 131, 135e, and 144 are amended as follows:

PART 121—FOOD ADDITIVES

§ 121.241 [Amended]

1. Part 121 is amended in § 121.241(b) by replacing the words "48 hours" with the words "7 days" in the text of the "Limitations" column for items 1 and 2.

PART 131—INTERPRETATIVE STATEMENTS REGARDING WARNINGS ON DRUGS AND DEVICES FOR OVER-THE-COUNTER SALE

2. Part 131 is amended:

§ 131.20 [Amended]

a. In § 131.20 under "Diethylstilbestrol in Animal Feeds" by replacing the words "48 hours" with the words "7 days".

§ 131.21 [Amended]

b. In § 131.21 under "Animal Feed Containing Penicillin, Streptomycin, Dihydrostreptomycin, Chlortetracycline, Tetracycline, Chloramphenicol, or Bacitracin, With Other Drugs" in the entry concerning "Diethylstilbestrol for Sheep" by replacing the words "48 hours" with the words "7 days". Additionally, the reference to "§ 146.26(b)" is editorially revised to read "§ 144.26(b)(38)". (Although the amendments to this section were not carried in the proposal, they are consistent with the amendments proposed and are, therefore, included in this order.)

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 135e.18 [Amended]

3. Part 135e is amended in § 135e.18 (g) by replacing the words "48 hours" with the words "7 days" in the text in the "Limitations" column.

PART 144—ANTIBIOTIC DRUGS; EXEMPTIONS FROM LABELING AND CERTIFICATION REQUIREMENTS

§ 144.26 [Amended]

4. Part 144 is amended in § 144.26(b) (38) by replacing the words "48 hours" with the words "7 days".

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (12–8–71).

(Secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343–51; 21 U.S.C. 360b, 371(a))

Dated: November 23, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–17937 Filed 12–7–71;8:50 am]

PART 144—ANTIBIOTIC DRUGS; EXEMPTIONS FROM LABELING AND CERTIFICATION REQUIREMENTS

Revocation of Exemption of Sulfaquinoxaline

Based on a notice of drug deemed adulterated (Docket No. FDC–D–390) appearing elsewhere in this issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs concludes that the antibiotic drug regulations should be amended to revoke provisions for the use of sulfaquinoxaline in animal feed supplements for use solely in the prevention of coccidiosis outbreaks in poultry flocks.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 507, 512, 59 Stat. 463, as amended, 82 Stat. 343–51; 21 U.S.C. 357, 360b) and under authority delegated to the Commissioner (21 CFR 2.120), § 144.26 *Animal feed containing certifiable antibiotic drugs* is amended in paragraph (b)(1) by revoking subdivision (i).

Within 30 days after publication hereof in the FEDERAL REGISTER any person who will be adversely affected by the removal of any such drug from the market may file objections to this order stating reasonable grounds for their objections and may request a hearing on such objections. Objections and request for a hearing should be filed in quintuplicate with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852.

If a hearing is requested, the objections must identify the claimed errors in the NAS/NRC evaluation and any adequate and well-controlled investigations which would indicate conclusively that the combination drug would have the claimed effectiveness. Objections and requests for a hearing which are received in response to this order may be seen in the above office during business hours, Monday through Friday.

Effective date. This order shall become effective 40 days after its date of publication in the FEDERAL REGISTER. If objections are filed, the effective date will be extended for ruling thereon.

(Secs. 507, 512, 59 Stat. 463, as amended, 82 Stat. 343–51; 21 U.S.C. 357, 360b)

Dated: November 22, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–17901 Filed 12–7–71;8:48 am]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Colorado River Trips in Grand Canyon National Park, Ariz.

At page 10878 of the FEDERAL REGISTER of June 4, 1971, a notice and text of a proposed amendment of § 7.4 of Title 36 of the Code of Federal Regulations, were published.

The purpose of this amendment is to establish restrictions on use of National Park Service owned or controlled land along the Colorado River in Grand Canyon National Park. The proposed regulations have become necessary to protect the wilderness quality and safety of the visitors seeking to enjoy a whitewater river trip.

Interested persons were given 30 days in which they could submit written comments, suggestions, or objections to the proposed amendment. Only a very few comments were received. They were generally supportive of the proposed amendment.

The proposal is hereby adopted with the following changes and is set forth below. The introductory language of paragraph (h) has been changed for purposes of clarity. Subparagraph (1) of paragraph (h) has been changed to insert the word "predominantly", modify the sentence structure, and drop a phrase. In subparagraph (2) of paragraph (h) the requirement concerning use of jacket-type life preservers has been deleted. Subparagraph (4) of paragraph (h) concerning disposal of human waste has been slightly changed for purposes of clarity.

The amendments will take effect 30 days after publication in the FEDERAL REGISTER.

Section 7.4 is amended to read as follows:

§ 7.4 Grand Canyon National Park.

* * * * *

(h) *Colorado whitewater trips.* The following regulations shall apply to all persons and vessels using federally owned land administered by the National Park Service along the Colorado River in Grand Canyon National Park:

(1) No person shall operate a vessel engaging in predominantly upstream travel or having a total horsepower in excess of 55.

(2) U.S. Coast Guard approved life preservers must be worn by every person while on the river or while lining or portaging near rough water. One extra preserver must be carried for each ten (10) persons.

(3) No person shall conduct, lead, or guide a river trip unless such person possesses a permit issued by the Superintendent, Grand Canyon National Park. The National Park Service reserves the right to limit the number of such permits issued, or the number of persons traveling on trips authorized by such permits when, in the opinion of the National Park Service, such limitations are necessary in the interest of public safety or protection of the ecological and environmental values of the area.

(i) The Superintendent shall issue a permit upon a determination that the person leading, guiding, or conducting a river trip is experienced in running rivers in white water navigation of similar difficulty, and possesses appropriate equipment, which is identified in the terms and conditions of the permit.

(ii) No person shall conduct, lead, guide, or outfit a commercial river trip without first securing the above permit and possessing an additional permit authorizing the conduct of a commercial or business activity in the park.

(iii) An operation is commercial if any fee, charge or other compensation is collected for conducting, leading, guiding, or outfitting a river trip. A river trip is not commercial if there is a bona fide sharing of actual expenses.

(4) All human waste will be taken out of the Canyon and deposited in established receptacles, or will be disposed of by such means as is determined by the Superintendent.

(5) No person shall take a dog, cat, or other pet on a river trip.

(6) The kindling of a fire is permitted only on beaches. The fire must be completely extinguished only with water before abandoning the area.

(7) Picnicking is permitted on beach areas along the Colorado River.

(8) Swimming and bathing are permitted except in locations immediately above rapids, eddies and riffles or near rough water.

(9) Possession of a permit to conduct, guide, outfit, or lead a river trip also authorizes camping along the Colorado River by persons in the river trip party; provided, however, that no person shall camp at Elves Chasm and the mouth of Havasu Creek.

(10) All persons issued a river trip permit shall comply with all the terms and conditions of the permit.

(5 U.S.C. 553, 39 U.S.C. 535, as amended; 16 U.S.C. 3)

Dated: November 30, 1971.

LAWRENCE C. HADLEY,
Assistant Director,
Park Management.

[FR Doc.71-17908 Filed 12-7-71;8:49 am]

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Colorado River Trips in Grand Canyon National Monument, Ariz.

At page 10879 of the FEDERAL REGISTER of June 4, 1971, a notice and text of a proposed amendment of § 7.60 of Title 36 of the Code of Federal Regulations were published.

The purpose of this amendment is to establish restrictions on use of National Park Service owned or controlled land along the Colorado River in Grand Canyon National Monument. The proposed regulations have become necessary to protect the wilderness quality and safety of the visitors seeking to enjoy a white-water river trip.

Interested persons were given 30 days in which they could submit written comments, suggestions, or objections to the proposed amendment. Only a very few comments were received. They were generally supportive of the proposed amendment.

The proposal is hereby adopted with the following minor changes and is set forth below. The introductory language of paragraph (a) has been reworded for purposes of clarity. Subparagraph (1) of paragraph (a) has been changed to insert the word "predominantly," to modify the sentence structure, and drop a phrase. In subparagraph (2) of paragraph (a) the requirement concerning use of jacket-type life preservers has been dropped. Subparagraph (4) of paragraph (a), concerning disposal of human waste, has been slightly changed for purposes of clarity. Subparagraph (9) of paragraph (a) has been amended to clarify that the camping authorization granted therein does not extend to lands administered by the Hualapai Tribal Council.

The regulations will take effect 30 days after publication in the FEDERAL REGISTER.

Section 7.60 is amended to read as follows:

§ 7.60 Grand Canyon National Monument.

(a) *Colorado whitewater trips.* The following regulations shall apply to all persons and vessels using federally owned land administered by the National Park Service along the Colorado River within Grand Canyon National Monument:

(1) No person shall operate a vessel engaging in predominantly upstream travel or having a total horsepower in excess of 55.

(2) U.S. Coast Guard approved life preservers must be worn by every person while on the river or while lining or portaging near rough water. One extra preserver must be carried for each ten (10) persons.

(3) No person shall conduct, lead or guide a river trip unless such person possesses a permit issued by the Superintendent, Grand Canyon National Park. The National Park Service reserves the right to limit the number of such permits issued, or the number of persons traveling on trips authorized by such permits when, in the opinion of the National Park Service, such limitations are necessary in the interest of public safety or protection of the ecological and environmental values of the area.

(i) The Superintendent, Grand Canyon National Park, shall issue a permit upon a determination that the person leading, guiding, or conducting a river trip is experienced in running rivers in white water navigation of similar difficulty, and possesses appropriate equipment, which is identified in the terms and conditions of the permit.

(ii) No person shall conduct, lead, guide, or outfit a commercial river trip without first securing the above permit and possessing an additional permit authorizing the conduct of a commercial or business activity in the monument.

(iii) An operation is commercial if any fee, charge, or other compensation is collected for conducting, leading, guiding, or outfitting a river trip. A river trip is not commercial if there is a bona fide sharing of actual expenses.

(4) All human waste will be taken out of the Canyon and deposited in established receptacles, or will be disposed of by such means as is determined by the Superintendent.

(5) No person shall take a dog, cat, or other pet on a river trip.

(6) The kindling of a fire is permitted only on beaches. The fire must be completely extinguished only with water before abandoning the area.

(7) Picknicking is permitted on beach areas along the Colorado River.

(8) Swimming and bathing are permitted except in locations immediately above rapids, eddies, and riffles or near rough water.

(9) Possession of a permit to conduct, guide, outfit, or lead a river trip also authorizes camping along the Colorado River by persons in the river trip party, except on lands within the Hualapai Indian Reservation which are administered by the Hualapai Tribal Council.

(10) All persons issued a river trip permit shall comply with all the terms and conditions of the permit.

(5 U.S.C. 553, 39 U.S.C. 535, as amended; 16 U.S.C. 3)

Dated: November 30, 1971.

LAWRENCE C. HADLEY,
Assistant Director,
Park Management.

[FR Doc.71-17909 Filed 12-7-71;8:49 am]

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Pets and Other Animals, Colorado River Trips, and Launching and Storing of River Craft in Glen Canyon Recreation Area, Utah-Ariz.

A proposal was published at page 10878 of the FEDERAL REGISTER of Friday, June 4, 1971, to amend § 7.70 of Title 36 of the Code of Federal Regulations by changing the title of the section to Glen Canyon Recreation Area and adding three new paragraphs, (d), (e), and (f), providing for stricter control of pets, restrictions on persons and vessels using National Park Service owned or controlled land along a certain portion of the Colorado River in connection with white water river trips, and restrictions on assembly and launching river rafts and boats, respectively.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed regulations. No comments were received.

The proposal is hereby adopted with the following minor changes and is set forth below. A clause has been added to the introductory language of paragraph (e) to clarify that these regulations will apply from the Paria Riffle downstream only to the boundary of Marble Canyon National Monument, and to clarify ownership of land. In subparagraph (1) of paragraph (e) the word "predominantly" has been inserted, the sentence structure has been modified, and a phrase dropped. In subparagraph (2) of paragraph (e) the requirement that jacket-type life preservers be used has been dropped, and changes have been made for purposes of clarity. Subparagraph (4) of paragraph (e) concerning disposal of human waste, has been slightly changed for purposes of clarity.

The amendments will take effect 30 days after publication in the FEDERAL REGISTER.

The title for § 7.70 is changed to Glen Canyon Recreation Area and paragraphs (d), (e), and (f) are added to read as follows:

§ 7.70 Glen Canyon Recreation Area.

* * * * *

(d) *Pets and other animals.* Pets and other animals shall be restrained so as to prevent noise, annoyance, or threat to the safety of persons.

(e) *Colordo white-water trips.* The following regulations shall apply to all persons and vessels using federally owned land administered by the National Park Service along the Colorado River from the Paria Riffle at river mile zero downstream to the eastern boundary of Marble Canyon National Monument:

(1) No person shall operate a vessel engaging in predominantly upstream travel or having a total horsepower in excess of 55 without a permit from the Superintendent.

(2) U.S. Coast Guard approved life preservers shall be worn by every person while traveling in boats or rafts on this section of the river, or while lining or portaging near rough water. One extra preserver must be carried on each vessel for each ten (10) passengers.

(3) No person shall conduct, lead or guide a river trip through Glen Canyon Recreation Area unless such person possesses a permit issued by the Superintendent of Grand Canyon National Park. The National Park Service reserves the right to limit the number of such permits issued, or the number of persons traveling on trips authorized by such permits when in the opinion of the National Park Service such limitations are necessary in the interest of public safety or protection of the ecological and environmental values of the area.

(i) The Superintendent of Grand Canyon National Park shall issue a permit upon a determination that the person leading, guiding, or conducting a river trip is experienced in running rivers in white-water navigation of similar difficulty, and possesses appropriate equipment, which is identified in the terms and conditions of the permit.

(ii) No person shall conduct, lead, guide, or outfit a commercial river trip without first securing the above permit and possessing an additional permit authorizing the conduct of a commercial or business activity in the recreation area.

(iii) An operation is commercial if any fee, charge, or other compensation is collected for conducting, leading, guiding, or outfitting a river trip. A river trip is not commercial if there is a bona fide sharing of actual expenses.

(4) All human waste will be taken out of the Canyon and deposited in established receptacles, or will be disposed of by such means as is determined by the Superintendent.

(5) No person shall take a dog, cat, or other pet on a river trip.

(6) The kindling of a fire is permitted only on beaches. All fires must be completely extinguished only with water before abandoning the area.

(7) Swimming and bathing are permitted except in locations immediately above rapids, eddies, and riffles or near rough water.

(8) No camping is allowed along the river bank between the junction of the Paria River with the Colorado River and Marble Canyon National Monument.

(9) All persons issued a river trip permit shall comply with all terms and conditions of the permit.

(f) *Assembly and launching of river rafts and boats.* The following regulations shall apply to all persons designated under paragraph (e) of this section (Colorado white-water trips):

(1) The assembly and launching of rafts or boats, and parking or storing of any related equipment or supplies is restricted to those areas designated by the Superintendent.

(2) Within such designated areas, the Superintendent may assign or limit space and designate time periods of operation for each individual river trip or operator.

(5 U.S.C. 553; 39 Stat. 535, as amended; 16 U.S.C. 3)

Dated: November 30, 1971.

LAWRENCE C. HADLEY,
Assistant Director,
Park Management.

[FR Doc.71-17910 Filed 12-7-71;8:49 am]

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Colorado River Whitewater Trips in Lake Mead National Recreation Area, Ariz.-Nev.

A proposal was published at page 10877 of the FEDERAL REGISTER of June 4, 1971, to amend § 7.48 of Title 36 of the Code of Federal Regulations to establish restrictions on use of National Park Service owned or controlled land along the Colorado River in Lake Mead National Recreation Area, from the common boundary with Grand Canyon National Monument to Diamond Creek at approximately river mile 226. The proposed regulations have become necessary to protect the wilderness quality and safety of the visitors seeking to enjoy a whitewater river trip.

Interested persons were given 30 days for submitting written comments, suggestions, or objections with respect to the proposed regulations. Two comments on the proposed regulations were received. As a result of comments received subparagraph (8) of paragraph (e) has been amended to emphasize that the camping authorization granted herein does not extend to lands administered by the Hualapai Tribal Council.

The proposal is hereby adopted with the above-mentioned change and the following changes and is set forth below. The word "predominantly" has been inserted in subparagraph (1) of paragraph (e), the sentence structure has been slightly modified, and a phrase dropped. The introductory language of paragraph (e) has been altered for purposes of clarity. The requirement concerning use of jacket-type life preservers has been deleted in subparagraph (2) of paragraph (e). In paragraph (e) (3) (ii) the phrase "or engage in any business activity regarding river trips" has been deleted as too broad. Subparagraph (4) concerning disposal of human waste, has been reworded for purposes of clarity.

These amendments will become effective 30 days after the publication of this notice in the FEDERAL REGISTER.

Paragraph (e) of § 7.48 is added to read as follows:

§ 7.48 Lake Mead National Recreation Area.

* * * * *

(e) *Colorado whitewater trips.* The following regulations shall apply to all persons and vessels using federally owned land administered by the National Park Service, along the Colorado River within Lake Mead National Recreation Area, downstream to Diamond Creek at approximately river mile 226:

(1) No person shall operate a vessel engaging in predominantly upstream travel or having a total horsepower in excess of 55.

(2) U.S. Coast Guard approved life preservers must be worn by every person while on the river or while lining or portaging near rough water. One extra preserver must be carried for each ten (10) persons.

(3) No person shall conduct, lead or guide a river trip unless such person possesses a permit issued by the Superintendent, Grand Canyon National Park. The National Park Service reserves the right to limit the number of such permits issued, or the number of persons traveling on trips authorized by such permits when in the opinion of the National Park Service such limitations are necessary in the interest of public safety or protection of the ecological and environmental values of the area.

(i) The Superintendent, Grand Canyon National Park, may issue a permit upon a determination that the person leading, guiding, or conducting a river trip is experienced in running rivers in whitewater navigation of similar difficulty, and possesses appropriate equipment, which is identified in the terms and conditions of the permit.

(ii) No person shall conduct, lead, guide, or outfit a commercial river trip without first securing the above permit and possessing an additional permit authorizing the conduct of a commercial or business activity in the national recreation area.

(iii) An operation is commercial if any fee, charge, or other compensation is collected for conducting, leading, guiding, or outfitting a river trip. A river trip is not commercial if there is a bona fide sharing of actual expenses.

(4) All human waste will be taken out of the Canyon and deposited in established receptacles, or will be disposed of by such means as is determined by the Superintendent.

(5) No person shall take a dog, cat, or other pet on a river trip.

(6) The kindling of a fire is permitted only on beaches. The fire must be completely extinguished only with water before abandoning the area.

(7) Swimming and bathing are permitted except in locations immediately above rapids, eddies, and riffles, or near rough water.

(8) Possession of a permit to conduct, guide, outfit, or lead a river trip also authorizes camping along the Colorado River by persons in the river trip party, except on lands within the Hualapai Indian Reservation which are administered by the Hualapai Tribal Council.

(9) All persons issued a river trip permit shall comply with all the terms and conditions of the permit.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3)

Dated: November 30, 1971.

LAWRENCE C. HADLEY,
Assistant Director,
Park Management.

[FR Doc.71-17911 Filed 12-7-71;8:49 am]

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Colorado River Trips in Marble Canyon National Monument, Ariz.

At page 10877 of the FEDERAL REGISTER of June 4, 1971, a notice and text of a proposed amendment of § 7.88 of Title 36 of the Code of Federal Regulations, were published.

The purpose of this amendment is to establish restrictions on use of National Park Service owned or controlled land along the Colorado River in Marble Canyon National Monument. The proposed regulations have become necessary to protect the wilderness quality and safety of the visitors seeking to enjoy a whitewater river trip.

Interested persons were given 30 days in which they could submit written comments, suggestions, or objections to the proposed amendment. Only a very few comments were received. They were generally supportive of the proposed amendment.

The proposal is hereby adopted with the following changes and is set forth below. The introductory language of paragraph (a) has been changed for purposes of clarity. Subparagraph (1) of paragraph (a) has been changed to insert the word "predominantly", modify the sentence structure, and drop a phrase. In subparagraph (2) of paragraph (a) the requirement concerning use of jacket-type life preservers has been deleted. Subparagraph (4) of paragraph (a), concerning disposal of human waste, has been slightly changed for purposes of clarity.

The amendments will take effect 30 days after publication in the FEDERAL REGISTER.

Section 7.88 is added to read as follows:

§ 7.88 Marble Canyon National Monument.

(a) *Colorado whitewater trips.* The following regulations shall apply to all persons and vessels using federally owned land administered by the National Park Service along the Colorado River within Marble Canyon National Monument:

(1) No person shall operate a vessel engaging in predominantly upstream travel or having a total horsepower in excess of 55.

(2) U.S. Coast Guard approved life preservers must be worn by every person while on the river or while lining or portaging near rough water. One extra preserver must be carried for each ten (10) persons.

(3) No person shall conduct, lead or guide a river trip unless such person possesses a permit issued by the Superintendent, Grand Canyon National Park. The National Park Service reserves the right to limit the number of such permits issued, or the number of persons traveling on trips authorized by such permits when, in the opinion of the National Park Service, such limitations are necessary in the interest of public safety or protection of the ecological and environmental values of the area.

(i) The Superintendent, Grand Canyon National Park, shall issue a permit upon a determination that the person leading, guiding or conducting a river trip is experienced in running rivers in whitewater navigation of similar difficulty, and possesses appropriate equipment, which is identified in the terms and conditions of the permit.

(ii) No person shall conduct, lead, guide or outfit a commercial river trip without first securing the above permit and possessing an additional permit authorizing the conduct of a commercial or business activity in the monument.

(iii) An operation is commercial if any fee, charge or other compensation is collected for conducting, leading, guiding or outfitting a river trip. A river trip is not commercial if there is a bona fide sharing of actual expenses.

(4) All human waste will be taken out of the Canyon and deposited in established receptacles, or will be disposed of by such means as is determined by the Superintendent.

(5) No person shall take a dog, cat, or other pet on a river trip.

(6) The kindling of a fire is permitted only on beaches. The fire must be completely extinguished only with water before abandoning the area.

(7) Picnicking is permitted on beach areas along the Colorado River.

(8) Swimming and bathing are permitted except in locations immediately above rapids, eddies, and riffles or near rough water.

(9) Possession of a permit to conduct, guide, outfit, or lead a river trip also authorizes camping along the Colorado River by persons in the river trip party; provided, however, that no person shall camp at Red Wall Cavern.

(10) All persons issued a river trip permit shall comply with all the terms and conditions of the permit.

(5 U.S.C. 553, 39 U.S.C. 535, as amended; 16 U.S.C. 3)

Dated: November 30, 1971.

LAWRENCE C. HADLEY,
Assistant Director,
Park Management.

[FR Doc.71-17912 Filed 12-7-71;8:49 am]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 47—REPUBLIC OF VIETNAM CAMPAIGN MEDAL AND DEVICE (1960——)

Codification of DOD Instruction 1348.17, June 20, 1966, is no longer necessary. Therefore Part 47 is hereby discontinued effective immediately.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Comptroller).

[FR Doc.71-17907 Filed 12-7-71;8:49 am]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

[CGFR 71-158]

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

PART 12—CERTIFICATION OF SEAMEN

Professional Requirements for Engineer Officers' Licenses on Inspected Vessels

The purpose of these amendments to the merchant marine officers and seamen regulations is (1) to qualify an applicant to be licensed as third assistant engineer of motor vessels upon completion of a 3-year apprentice engineering training program, and (2) to require the payment of fees for duplicate seaman's papers or a reissue service record to be made at the time of application. These amendments were proposed in a notice of proposed rule making published in the FEDERAL REGISTER of February 24, 1971 (36 F.R. 3425), and in the Merchant Marine Council Public Hearing Agenda dated March 29, 1971 (CG-249). These proposed amendments were identified as Items PH 1b-71, PH 1c-71, and PH 1d-71 in the notice and agenda.

A public hearing was held on March 29, 1971, in Washington, D.C. Interested persons were given the opportunity to submit written comments both before and at the public hearing and to make oral comments concerning all the proposed amendments at the public hearing.

Item PH 1b-71 proposed an amendment to 46 CFR 10.10-23(a) to allow an applicant to be licensed as third assistant engineer of motor vessels upon completion of a 3-year apprentice engineer training program approved by the Commandant. No comments were received on this proposal. The Coast Guard has

adopted the proposal with a minor editorial change that provides the reader with an address to obtain the names of training facilities that conduct recognized training programs.

Item PH 1c-71 proposed an amendment to 46 CFR 12.02-12 to provide for collection of the fees at the time application is made by a seaman for a duplicate document or service record. Only one comment was received and it supported the proposal. The proposal is adopted with the following minor editorial changes:

(1) The word "document" is changed to "seaman's papers" to correspond to its designation in form CG-4363;

(2) The procedure for obtaining the records is detailed and includes the form to be completed and the fees from Table 1.25-40(b) to be paid.

Item PH 1d-71 proposed amendments to 46 CFR Parts 12 and 157 to establish a special category of able seamen on mineral and oil vessels equipped with and without lifeboats. Fifteen written comments were received, five of which were opposed to the proposal. One of the comments opposing the proposal did so on the basis of a current surplus of available, qualified able seamen and the reduction in qualification requirements. Another comment in opposition to the proposal did so on the basis that the proposal should be extended to the entire industry with a further reduction of sea experience for qualification as able seamen. The Coast Guard, in view of the controversy, has determined that the proposal should be given further study. Accordingly, Item PH 1d-71 is being withdrawn until further study is made.

In consideration of the foregoing, Subchapter B of Title 46, Code of Federal Regulations is amended as follows:

1. By amending § 10.10-23(a) by adding "; or," after the words "steam vessels" in subparagraph (7) and adding subparagraph (8) to read as follows:

§ 10.10-23 Third assistant engineer; motor vessels.

(a) * * *

(8) Passed a 3-year apprentice engineer training program. The names of training facilities conducting recognized training programs may be obtained from the Commandant (MVP), U.S. Coast Guard, Washington, D.C. 20590.

2. By revising paragraph (c) of § 12.02-23 to read as follows:

§ 12.02-23 Issuance of duplicate document.

* * * * *

(c) A person entitled to duplicate seaman's papers or a reissue service record may obtain the document by applying at the nearest office of the Officer in Charge, Marine Inspection, by—

(1) Completing form CG-4363; and

(2) Paying—

(i) The fee prescribed by Table 1.25-40(b)(4) of Title 33, Code of Federal Regulations, at the time of application for duplicate seaman's papers; or

(ii) The fee prescribed by Table 1.25-40(b)(2)(i) of Title 33, Code of Federal Regulations, at the time of application for the first page of a reissue service record, and the fee prescribed by Table 1.25-40(b)(2)(ii) at the time of issuance for each additional page.

* * * * *

(R.S. 4405, as amended, R.S. 4462, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 416, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Effective date. These regulations shall become effective on January 10, 1972.

Dated: November 30, 1971.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.71-17919 Filed 12-7-71;8:50 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 71-1172]

PART 0—COMMISSION ORGANIZATION

Locations of Field Offices and Monitoring Stations

Order. In the matter of amendment of Part 0 of the Commission's rules to remove classification designations from monitoring stations and to reflect current addresses.

1. Classification designations (Class A, Class B, and Class C) of monitoring stations no longer serve a useful purpose. Part 0 of the rules and regulations should be amended by removing these designations and to reflect current addresses of monitoring stations. The amendments are set forth below.

2. Because these amendments relate to internal agency organization, the prior notice, procedural and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553) do not apply. Authority for these amendments is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

In view of the foregoing: *It is ordered,* effective December 10, 1971, that § 0.121 of the rules and regulations is amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: November 24, 1971.

Released: November 30, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

[1] Commissioner Reid absent.

Section 0.121(c) is revised, and paragraphs (d) and (e) are deleted to read as follows:

§ 0.121 Location of field offices and monitoring stations.

* * * * *

(c) Monitoring stations are located at the following addresses:

Federal Communications Commission, Allegan Monitoring Station, Post Office Box 89, Allegan, MI 49010.
Federal Communications Commission, Ambrose Monitoring Station, Post Office Box 1126, Denison, TX 75020.
Federal Communications Commission, Anchorage Monitoring Station, Post Office Box 6303 Annex, Anchorage, AL 99502.
Federal Communications Commission, Belfast Monitoring Station, Post Office Box 470, Belfast, ME 04915.
Federal Communications Commission, Canandaigua Monitoring Station, Post Office Box 374, Canandaigua, NY 14424.
Federal Communications Commission, Chillicothe Monitoring Station, Post Office Box 251, Chillicothe, OH 45601.
Federal Communications Commission, Douglas Monitoring Station, Post Office Box 6, Douglas, AZ 85607.
Federal Communications Commission, Fort Lauderdale Monitoring Station, Post Office Box 22836, Fort Lauderdale, FL 33315.
Federal Communications Commission, Grand Island Monitoring Station, Post Office Box 1588, Grand Island, NE 68801.
Federal Communications Commission, Imperial Beach Monitoring Station, Post Office Box 1087, Imperial Beach, CA 92032.
Federal Communications Commission, Kingsville Monitoring Station, Post Office Box 632, Kingsville, TX 78363.
Federal Communications Commission, Laurel Monitoring Station, Post Office Box 40, Laurel, MD 20810.
Federal Communications Commission, Livermore Monitoring Station, Post Office Box 311, Livermore, CA 94550.
Federal Communications Commission, Marietta Monitoring Station, Post Office Box 339, Bellingham, WA 98225.
Federal Communications Commission, Powder Springs Monitoring Station, Post Office Box 85, Powder Springs, GA 30073.
Federal Communications Commission, Santa Ana Monitoring Station, Post Office Box 5126, Santa Ana, CA 92704.
Federal Communications Commission, Spokane Monitoring Station, Post Office Box 191, Spokane, WA 99210.
Federal Communications Commission, Waipahu Monitoring Station, Post Office Box 1035, Waipahu, HI 96797.
Federal Communications Commission, Post Office Box 181, Sabana Seca, PR 00749.

(d) [Deleted]
(e) [Deleted]

[FR Doc.71-17954 Filed 12-7-71;8:52 am]

[FCC 71-1193]

PART 0—COMMISSION ORGANIZATION

Delegation of Authority to the Executive Director

Order. 1. The amendment set forth below authorizes the Executive Director, with the concurrence of the General Counsel, to grant (but not deny) tort claims not exceeding $5,000. The Chairman will continue to act on tort claims

not exceeding $5,000 where a substantial question of liability is presented or denial of the claim is indicated. See § 0.211(d).

2. The disposition of tort claims is an administrative matter. Where damages are relatively small and the claim is established to the satisfaction of the Executive Director and the General Counsel, the claim can appropriately be granted at the staff level. These delegations of authority should expedite the disposition of tort claims and conserve the time and energies of the Chairman for the consideration of matters of greater significance.

3. Authority for the amendment set out below is set out in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 155(d), and 303(r). As the amendment relates to matters of internal Commission organization and procedure, the prior notice and public procedure provisions of 5 U.S.C. 553 are inapplicable.

4. In view of the foregoing, *It is ordered,* Effective December 10, 1971, that Part 0 of the rules and regulations is amended as set forth in the appendix below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted November 24, 1971.

Released November 30, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

In Part 0 of Chapter I of Title 47 of the Code of Federal Regulations, § 0.231 (f) is added to read as follows:

§ 0.231 Authority delegated.

* * * * *

(f) The Executive Director, or his designee, upon securing concurrence of the General Counsel, is delegated authority, within the purview of the Federal Tort Claims Act, as amended, 28 U.S.C. § 2672, to grant tort claims directed against the Commission where the amount of damages does not exceed $5,000.

[FR Doc.71-17953 Filed 12-7-71;8:52 am]

[Docket No. 19110; FCC 71-1180]

PART 97—AMATEUR RADIO SERVICE

Radio Teleprinter Transmissions

Report and order. In the matter of amendment of § 97.69 of the Commission's rules to permit increased radio teleprinter speeds, Docket No. 19110, RM-1392, RM-1538.

1. On December 17, 1970, the Commission released a notice of proposed rule making in the above-entitled matter for Docket 19110. The notice was duly published in the FEDERAL REGISTER on December 23, 1970 (35 F.R. 19525) and all comments submitted in response thereto have been fully considered.

2. The rule changes proposed in the notice were suggested by Mr. Keith B. Petersen and Mr. R. Bruce Peters in petitions, RM-1392 and RM-1538, respectively. Mr. Petersen requested that the amateur rules be amended to allow the use of radio teleprinter speeds of 60, 75, and 100 words per minute (w.p.m.), and Mr. Peters proposed use of 60, 67, and 100 w.p.m. speeds. The notice proposed that the rules be amended to permit amateur teleprinters to use 60, 75, and 100 w.p.m. speeds.

3. Supporters of the notice commented that adoption of the proposal would increase the message handling capability of amateur teleprinter stations and make the most efficient use of air time. Such ability would be especially important during emergencies. Other comments stated that availability of higher speeds of operation would promote experimentation and stimulate the development of new associated amateur skills and techniques in keeping with the basis and purpose of the Amateur Radio Service. Comments generally agreed with permitting use of the 75 and 100 w.p.m. speeds, but many urged that use of the 67 w.p.m. rate be permitted also since it is an international standard for international teleprinter operation and for international martime mobile radio-teleprinter service and its exclusion would exempt many foreign teleprinter contacts.

4. Opponents of the proposal alleged that adoption of the increased teleprinter speeds would result in disruption of existing operation due to confusion over which rate is in use by other operators. Other opposing comments stated that most equipment is not convertible to the higher speed modes and that the cost of new high-speed equipment precludes widespread use by the average amateur operator.

5. The Commission is not of the opinion that increased speeds will result in the disruption of existing amateur teleprinter operations. Commission experience indicates that amateur operators have consistently demonstrated their versatility in adapting to new operating situations and conditions. As higher speed operation becomes more widespread, it is believed, that operators preferring each speed will either prearrange their time schedules and parameters of operation or will localize their operations to certain band segments and, thus, minimize the effects on present amateur teletype operation. Regarding the availability of higher speed teletype equipment versus cost, reply comments filed in the proceeding allege that used equipment can be obtained at reasonable costs within the budget of amateur operators. Other comments claim that provision for higher speed operation will encourage amateurs to utilize their technical abilities to design and develop the necessary speed conversion techniques. Many teleprinter machines are, in fact, convertible to other speeds of operation by substitution of the appropriate gears.

6. Suggestions were made that specific speeds and codes not be adopted, thus, allowing greater flexibility in the choice of operating parameters. The American Radio Relay League commented that not restricting amateurs to specific speeds and codes would enhance experimentation and contribute to the development of new and improved techniques, equipment and practices. Other comments were submitted by Collins Radio Co., R. W. Johnson Co., as well as individual amateur operators, supporting adoption of the American Standard Code for Information Interchange (ASCII), in addition to the five-unit (start-stop) teleprinter code presently in use by amateur stations.

7. Government and non-government users of radio teleprinters in the HF bands conservatively estimate that they will not use the ASCII code for the next 10 years because of the large quantities of five-level equipment now on hand. The Commission has no requirement at this time to supply its monitoring stations with eight-level equipment for the purpose of determining compliance with the Commission's rules and international treaties by stations in these radio services. It is not economically feasible to spend public funds for the purchase of eight-level equipment to be used soley for the purpose of determining compliance by stations in the Amateur Radio Service. These proposals are therefore denied.

8. Several comments received proposed that a new paragraph be added to the Commission's rules to limit the bandwidth of higher speed teleprinter transmissions to that bandwidth required at the 60 w.p.m. speed. The Commission has not found it necessary to specify bandwidth limitations in the Amateur Service Rules, since other parts of the Commission's rules may be used as a guide in determining what is considered in accordance with good engineering and good amateur practice. This is in keeping with the intent of the amateur rules to provide technical requirements which permit as much latitude as is practicable consistent with the prevention of undue interference between amateur stations and the prevention of interference to other radio services. In addition, the bandwidth difference between teleprinter operation at 60 and 100 w.p.m. is only a little more than 100 Hertz and is considered in accordance with Commission standards for existing commercial teleprinter operation. This proposal is, accordingly, denied. The Commission does, however, concur with the comments that inclusion of the 67 w.p.m. teleprinter speed has merit, and provision is therefor made for its use along with the other proposed speeds.

9. In consideration of the foregoing, the Commission concludes that adoption of its proposal to amend § 97.69(b) of the rules to permit higher speed amateur teleprinter operation is in the public interest, convenience, and necessity. Authority for this rule change is contained

[1] Commissioner Reid absent.

in sections 4(i) and 303(r) of the Communications Act of 1934, as amended. *It is ordered,* That, effective January 7, 1972, Part 97 of the Commission's rules is amended as set forth below.

10. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: November 24, 1971.

Released: November 30, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Part 97 of the Commission's rules is amended as follows:

1. In § 97.69, paragraph (b) is amended as follows:

§ 97.69 Radio teleprinter transmissions.

* * * * *

(b) The normal transmitting speed of the radio teleprinter signal keying equipment shall be adjusted as closely as possible to one of the standard teleprinter speeds, namely, 60 (45 bauds), 67 (50 bauds), 75 (56.25 bauds) or 100 (75 bauds) words per minute, and in any event, within the range of plus or minus five words per minute of the selected standard speed.

* * * * *

[FR Doc.71-17956 Filed 12-7-71;8:52 am]

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 2-6; Notice 5]

PART 571—MOTOR VEHICLE SAFETY STANDARDS

The purpose of this amendment to Part 571 of Title 49, Code of Federal Regulations, is to add a new Motor Vehicle Safety Standard 216 (49 CFR § 571.216), that sets minimum strength requirements for a passenger car roof to reduce the likelihood of roof collapse in a rollover accident. The standard provides an alternative to conformity with the rollover test of Standard 208.

A notice of proposed rule making on this subject was issued on January 6, 1971 (36 F.R. 166). As noted in that proposal, the strength of a vehicle roof affects the integrity of the passenger compartment and the safety of the occupants. A few comments suggested that there is no significant casual relationship between roof deformation and occupant injuries in rollover accidents. However, available data have shown that for non-ejected front seat occupants in rollover accidents, serious injuries are more frequent when the roof collapses.

The roof crush standard will provide protection in rollover accidents by improving the integrity of the door, side window, and windshield retention areas. Preserving the overall structure of the vehicle in a crash decreases the likelihood of occupant ejection, reduces the hazard of occupant interior impacts, and enhances occupant egress after the accident. It has been determined, therefore, that improved roof strength will increase occupant protection in rollover accidents.

Standard 208 (49 CFR § 571.208), *Occupant Crash Protection,* also contains a rollover test requirement for vehicles that conform to the "first option" of providing complete passive protection. The new Standard 216 issued herewith is intended as an alternative to the Standard 208 rollover test, such that manufacturers may conform to either requirement as they choose. Standard 208 is accordingly amended by this notice; the effect of the amendment, together with the new Standard 216, is as follows:

(1) From January 1, 1972, to August 14, 1973, a manufacturer may substitute Standard 216 for the rollover test requirement in the first option of Standard 208; Standard 216 has no mandatory application.

(2) From August 15, 1973, to August 14, 1977, Standard 216 is in effect as to all passenger cars except those conforming by passive means to the rollover test of Standard 208, but it may continue to be substituted for that rollover test.

(3) After August 15, 1977, Standard 216 will no longer be a substitute for the Standard 208 rollover test. It is expected that as of that date Standard 216 will be revoked, at least with respect to its application to passenger cars.

A few comments stated that on some models the strength required in the A pillar could be produced only by designs that impair forward visibility. After review of strengthening options available to manufacturers, the Administration has concluded that a satisfactory increase in strength can be obtained without reducing visibility.

Some comments suggested that the crush limitation be based on the interior deflection of the test vehicle rather than the proposed external criterion. After comparison of the two methods, it has been concluded that a test based on interior deflection would produce results that are significantly less uniform and more difficult to measure, and therefore the requirement based on external movement of the test block has been retained.

Several changes in detail have been made, however, in the test procedure. A number of comments stated that the surface area of the proposed test device was too small, that the 10° pitch angle was too severe, and that the 5 inches of padded test device displacement was not enough to measure the overall roof strength. Later data available after the issuance of the NPRM (Notice 4) substantiated these comments. Accordingly, the dimensions of the test block have been changed from 12 inches square to 30 inches by 72 inches, the face padding on the block has been eliminated, and the pitch angle has been changed from 10° to 5°.

Several manufacturers asked that convertibles be exempted from the standard, stating that it was impracticable for those vehicles to be brought into compliance. The Administration has determined that compliance with the standard would pose extreme difficulties for many convertible models. Accordingly, manufacturers of convertibles need not comply with the standard; however, until August 15, 1977, they may comply with the standard as an alternative to conformity with the rollover test of Standard 208.

A few comments objected to the optional 5,000-pound ceiling to the requirement that the roof have a peak resistance of 1½ times the unloaded vehicle weight. Such objections have some merit, if the energy to be dissipated during a rollover accident must be absorbed entirely by the crash vehicle. In the typical rollover accident, however, in which the vehicle rolls onto the road shoulder, significant amounts of energy are absorbed by the ground. This is particularly true in heavier vehicles. Some of the heavier vehicles, moreover, would require extensive redesign, at a considerably greater cost penalty than in the case of lighter vehicles, to meet a strength requirement of 1½ times their weight. At the same time, heavier vehicles generally have a lower rollover tendency than do lighter vehicles. On the basis of these factors, it has been determined that an upper limit of 5,000 pounds on the strength requirement is justified, and it has been retained.

It was requested that the requirement of mounting the chassis horizontally be deleted. It has been determined that the horizontal mounting position contributes to the repeatability of the test procedure and the requirement is therefore retained.

The required loading rate has been clarified in light of the comments. The requirement has been changed from a rate not to exceed 200 pounds per second to a loading device travel rate not exceeding one-half inch per second, with completion of the test within 120 seconds.

A number of manufacturers requested that repetition of the test on the opposite front corner of the roof be deleted. It has been determined that, as long as it is clear that both the left and right front portions of the vehicle's roof structure must be capable of meeting the requirements, it is not necessary that a given vehicle be capable of sustaining successive force applications at the two different locations. The second test is accordingly deleted.

Effective date. August 15, 1973. After evaluation of the comments and other information, it has been determined that the structural changes required by the standard will be such that many manufacturers would be unable to meet the requirements if the January 1, 1973, effective date were retained. It has therefore been found, for good cause shown, that an effective date more than 1 year

[1] Commissioner Reid absent.

after issuance is in the public interest. On or after January 1, 1972, however, a manufacturer may substitute compliance with this standard for compliance with the rollover test requirement of Standard 208.

In consideration of the above, the following changes are made in Part 571 of Title 49, Code of Federal Regulations:

1. Standard No. 208, 49 CFR 571.208, is amended by adding the following sentence at the end of S5.3, *Rollover:* "However, vehicles manufactured before August 15, 1977, that conform to the requirements of Standard No. 216 (§ 517.-216) need not conform to this rollover test requirement."

2. A new § 571.216, Standard No. 216; *Roof Crush Resistance,* is added, as set forth below.

This rule is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407, and the delegation of authority at 49 CFR 1.51.

Issued on December 3, 1971.

CHARLES H. HARTMAN,
Acting Administrator.

§ 571.216 Standard No. 216, roof crush resistance.

MOTOR VEHICLE SAFETY STANDARD NO. 216, ROOF CRUSH RESISTANCE—PASSENGER CARS

S1. *Scope.* This standard establishes strength requirements for the passenger compartment roof.

S2. *Purpose.* The purpose of this standard is to reduce deaths and injuries due to the crushing of the roof into the passenger compartment in rollover accidents.

S3. *Application.* This standard applies to passenger cars. However, it does not apply to vehicles that conform to the rollover test requirements (S5.3) of Standard 208 (§ 571.208) by means that require no action by vehicle occupants. It also does not apply to convertibles, except for optional compliance with the standard as an alternative to the rollover test requirements in S5.3 of Standard 208.

S4. *Requirements.* A test device as described in S5 shall not move more than 5 inches, measured in accordance with S6.4, when it is used to apply a force of 1½ times the unloaded vehicle weight of the vehicle or 5,000 pounds, whichever is less, to either side of the forward edge of a vehicle's roof in accordance with the procedures of S6. Both the left and right front portions of the vehicle's roof structure shall be capable of meeting the requirements, but a particular vehicle need not meet further requirements after being tested at one location.

S5. *Test device.* The test device is a rigid unyielding block with its lower surface formed as a flat rectangle 30 inches x 72 inches.

S6. *Test procedure.* Each vehicle shall be capable of meeting the requirements of S4 when tested in accordance with the following procedure.

S6.1 Place the sills or the chassis frame of the vehicle on a rigid horizontal surface, fix the vehicle rigidly in position, close all windows, close and lock all doors, and secure any convertible top or removable roof structure in place over the passenger compartment.

S6.2 Orient the test device as shown in Figure 1, so that—

(a) Its longitudinal axis is at a forward angle (side view) of 5° below the horizontal, and is parallel to the vertical plane through the vehicle's longitudinal centerline;

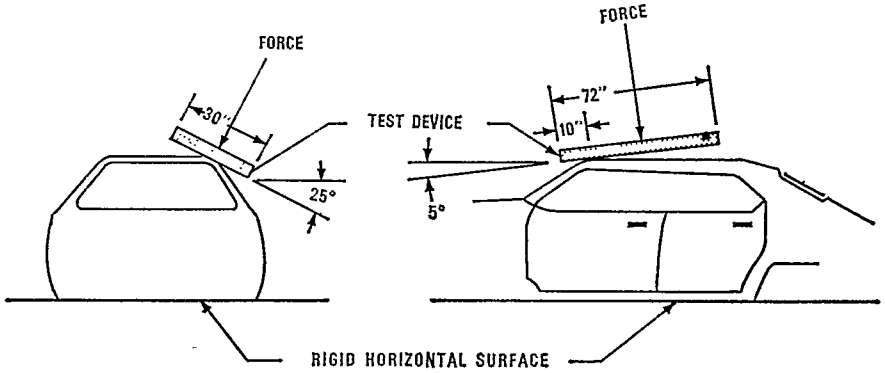
(b) Its lateral axis is at a lateral outboard angle, in the front view projection, of 25° below the horizontal;

(c) Its lower surface is tangent to the surface of the vehicle; and

(d) The initial contact point, or center of the initial contact area, is on the longitudinal centerline of the lower surface of the test device and 10 inches from the forwardmost point of that centerline.

S6.3 Apply force in a downward direction perpendicular to the lower surface of the test device at a rate of not more than one-half inch per second until reaching a force of 1½ times the unloaded vehicle weight of the tested vehicle or 5,000 pounds, whichever is less. Complete the test within 120 seconds. Guide the test device so that throughout the test it moves, without rotation, in a straight line with its lower surface oriented as specified in S6.2(a) through S6.2(d).

S6.4 Measure the distance that the test device moves, i.e., the distance between the original location of the lower surface of the test device and its location as the force level specified in S6.3 is reached.



TEST DEVICE LOCATION AND APPLICATION TO THE ROOF

Figure 1

[FR Doc.71-17936 Filed 12-7-71;8:45 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Hagerman National Wildlife Refuge, Tex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (12-8-71).

§ 33.5 Special regulation; sport fishing; for individual wildlife refuge areas.

TEXAS

HAGERMAN NATIONAL WILDLIFE REFUGE

Sport fishing including frog gigging on the Hagerman National Wildlife Refuge, Tex., is permitted from April 1 through September 30, 1972, inclusive, only on areas designated by signs as open to fishing. These open areas, comprising 2,900 acres, are delineated on maps available at refuge headquarters, Sherman, Tex. and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are not set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1972.

BERT M. ANDUSS,
Refuge Manager, Hagerman National Wildlife Refuge, Sherman, Texas.

NOVEMBER 26, 1971.

[FR Doc.71-17918 Filed 12-7-71;8:50 am]

PART 33—SPORT FISHING

Seney National Wildlife Refuge, Mich.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (12–8–71).

§ 33.5 Special regulation; sport fishing; for individual wildlife refuge areas.

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

Sport fishing on the Seney National Wildlife Refuge, Seney, Mich., is permitted on areas as described under special conditions below, and as delineated on maps available at refuge headquarters and from the office of the Regional Director, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Stream and ditches, open only during the regular State trout fishing season, are:

(a) Driggs River from Highway M–28 south to the diversion ditch.

(b) Walsh Creek and ditch from Highway M–28 south to C–3 pool.

(c) Creighton River—entire length through refuge.

(2) Manistique River, entire length through refuge, open from January 1, 1972 through December 31, 1972.

(3) Pools are open to fishing, daylight hours only, as follows:

(a) All pools—January 1, 1972 through February 29, 1972.

(b) Show pools (located west of Highway M–77 one-half mile north of the Headquarters entrance road) from Memorial Day (May 29, 1972) through Labor Day (September 4, 1972).

(c) C–3 pool—July 1, 1972 through Labor Day (September 4, 1972).

(4) Night fishing, boats and the use of minnows for bait are prohibited except on the Creighton and Manistique Rivers.

(5) Snowmobiles, all-terrain vehicles or motorized bikes are not allowed on the refuge.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1972.

JOHN E. WILBRECHT,
Refuge Manager, Seney National Wildlife Refuge, Seney, Mich.

NOVEMBER 24, 1971.

[FR Doc.71-17917 Filed 12-7-71;8:50 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71–EA–158; Amdt. 39–1356]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller Rotorcraft

The Federal Aviation Administration is amending § 39.13 of the Federal Aviation regulations so as to issue an airworthiness directive applicable to Fairchild Hiller UH–12 type helicopters.

There have been reports of cracks in the UH–12 main rotor blades. Since this is a deficiency which can exist or develop in helicopters of similar type design, a telegraphic airworthiness directive was transmitted to all known operators and owners requiring a dye penetrant inspection within 10 hours of receipt of the telegram. As the foregoing situation still exists, this amendment is being promulgated for publication in the FEDERAL REGISTER. Further the foregoing requires expeditious adoption of this amendment and therefore notice and public procedure are impractical and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.19 of the Federal Aviation regulations is amended by adding the following new Airworthiness Directive:

FAIRCHILD HILLER ROTORCRAFT: Applies to Fairchild Hiller UH–12 helicopters certificated in all categories.

Compliance required as indicated.

Following an immediate visual inspection and within 10 hours time in service after the effective date of this airworthiness directive inspect main rotor blade P/N 53100 for cracks, using dye penetrant. Any blades found defective are to be removed from service prior to further flight and S/Ns reported to Engineering and Manufacturing Branch, Federal Aviation Administration, Eastern Region, JFK International Airport, Jamaica, N.Y. 11430. Approval of this reporting procedure has been obtained from the Bureau of Budget in accordance with Federal Reports Act. Reporting approved by Bureau of Budget under BOB No. 04–R0174.

This amendment is effective December 14, 1971, and was effective upon receipt by owners and operators of the telegram dated November 5, 1971, which contained this amendment.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on November 29, 1971.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.71-17864 Filed 12-7-71;8:45 am]

[Docket No. 71–EA–110; Amdt. 39–1354]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft Engines

On page 14214 of the FEDERAL REGISTER for July 31, 1971, the Federal Aviation Administration published a proposed rule applicable to Pratt & Whitney JT8D type aircraft engines.

Interested parties were given 30 days after publication in which to submit written data or views. A large number of the air carriers through the Airline Transport Association registered objection to the justification as well as various requirements of the proposed rule. As a result, after further study, it was determined that the time of compliance could be extended from 5,000 to 6,000 hours so as to correlate with the engine inspection procedures of the air carriers, which correlation was intended in the first instance. Further Pratt & Whitney has established and the agency concurs that a proposed altering of the fuel nozzle support assemblies was as effective as replacement of the assemblies. In view of the concurrence, objections to the proposed rule were withdrawn and it will be published as modified.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697) § 39.13 of the Federal Aviation regulations is amended so as to adopt the proposed rule as published as follows:

PRATT & WHITNEY AIRCRAFT. Applies to all JT8D–1, JT8D–1A, JT8D–7, JT8D–7A, JT8D–9, and JT8D–11 turbofan engines which incorporate the following part numbers: 480735, 493332, 501725, and 523476 fuel nozzle support assemblies.

To prevent failure of the fuel nozzle support assemblies from fatigue cracking in the base fillet accomplish the following:

Within the next 6,000 hours' time in service after the effective date of this AD unless already accomplished alter all fuel nozzle support assembly part numbers 480735, 493332, 501725, or 523476 in accordance with P&WA Service Bulletin No. 3536 or equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, or replace with superseding part number fuel nozzle support assembly.

Upon submission of substantiating data through an FAA Maintenance Inspector by an owner or operator, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region may adjust the compliance time.

This amendment is effective December 14, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on November 29, 1971.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.71-17865 Filed 12-7-71;8:45 am]

[Docket No. 71-EA-111, Amdt. 39-1355]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky Rotorcraft

On page 14692 of the FEDERAL REGISTER for August 10, 1971, the Federal Aviation Administration published AD 71-16-8, Amdt. 39-1260 applicable to Sikorsky S-61 type helicopters. Through inadvertence this identical requirement was again published as AD 71-21-3 on page 19359 of the FEDERAL REGISTER for October 5, 1971.

This amendment will revoke AD 71-16-8.

Since the foregoing amendment is to correct an error, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697) § 39.13 of the Federal Aviation regulations is amended so as to delete AD 71-16-8.

This amendment is effective December 14, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on November 29, 1971.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.71-17866 Filed 12-7-71;8:45 am]

[Airspace Docket No. 71-SO-178]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Meridian, Miss. (Key Field), control zone.

The Meridian (Key Field) control zone is described in § 71.171 (36 F.R. 2055 and 3262). In the description, an extension is predicated on the Meridian VORTAC 135° radial and has a designated length of 13 miles. Because of a change in the final approach radial to 145° and in the altitude over the final approach fix, it is necessary to alter the description to redesignate the extension to the 145° radial and reduce the length to 11.5 miles. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Meridian, Miss. (Key Field), control zone (36 F.R. 3262) is amended as follows:

"* * * Meridian VORTAC 135° radial, extending from the 5-mile-radius zone to 13 miles southeast of the VORTAC * * *" is deleted and "* * * Meridian VORTAC 145° radial, extending from the 5-mile-radius zone to 11.5 miles southeast of the VORTAC * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on November 29, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-17867 Filed 12-7-71;8:45 am]

[Airspace Docket No. 71-NE-8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Areas

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation regulations so as to alter the Norwood, Mass., control zone (36 F.R. 2112), and § 71.181 of Part 71 of the Federal Aviation regulations so as to alter the Boston, Mass., transition area (36 F.R. 2157) and the Pittsfield, Mass., transition area (36 F.R. 2254).

The agency is attempting to eliminate duplicate names of navigational aids (NAVAID's) to avoid possible pilot confusion. Therefore, an editorial change to the control zone and transition area descriptions to reflect the new name assignments will be required.

Since the foregoing amendments are editorial in nature, notice and public procedure hereon are unnecessary and the amendments may be made effective in less than 30 days.

In view of the foregoing, the Federal Aviation Administration, having completed review of the airspace requirements in the terminal airspace of aforementioned locations, the amendment is herewith made effective upon publication in the FEDERAL REGISTER as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation regulations so as to amend the description of the Norwood, Mass., control zone by deleting the phrase "Norwood, Mass. RBN" and inserting "Stoughton, Mass. RBN" in lieu thereof.

2. Amend § 71.181 of Part 71 of the Federal Aviation regulations so as to amend the description of the Boston, Mass., 700-foot floor transition area by deleting the phrase "Norwood, Mass., RBN" and inserting "Stoughton, Mass., RBN" in lieu thereof.

3. Amend § 71.181 of Part 71 of the Federal Aviation regulations so as to amend the description of the Pittsfield, Mass., 700-foot floor transition area by deleting the phrase "Pittsfield, Mass., RBN" and inserting "Berkshire, Mass., RBN" in lieu thereof.

(Sec. 307(a), Federal Aviation Act of 1958, Stat. 749; 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Burlington, Mass., on November 10, 1971.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.71-18071 Filed 12-7-71;9:34 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

PART 101-19—MANAGEMENT OF BUILDINGS AND GROUNDS

Subpart 101-19.1—Operation and Maintenance

STAGGERING HOURS OF DUTY IN METROPOLITAN WASHINGTON

Section 101-19.113 is added to provide policies and methods for agency clearance with the General Services Administration (GSA) before establishing or changing the hours of duty of employees in Metropolitan Washington under the staggered hours of duty program initiated by the President in 1941. Responsibility for this program, previously assigned to the Office of Management and Budget (OMB), is now assigned to GSA.

The table of contents for Part 101-19 is amended by the addition of the following new entry:

Sec.
101-19.113 Staggering hours of duty in Metropolitan Washington.

Section 101-19.113 is added as follows:

§ 101-19.113 Staggering hours of duty in Metropolitan Washington.

(a) *Applicability.* (1) The provisions of this section apply to all proposals to establish or change the hours of duty in Metropiltan Washington, including proposals related to the establishment or relocation of a Government office.

(2) For the purpose of this § 101-19.113, Metropolitan Washington includes the District of Columbia; Montgomery and Prince Georges Counties in Maryland; Arlington, Fairfax, Loudoun, and Prince William Counties in Virginia;

and all cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of said counties.

(b) *Responsibility.* Except as otherwise provided, any agency considering a schedule of hours of duty differing from, or in addition to, its schedule of hours of duty heretofore approved, shall obtain the approval of the Commissioner, Public Buildings Service, GSA, before the proposed schedule is placed in effect. The Commissioner, in approving proposals to establish or change hours of duty, will be guided by the overall policy of maintaining a system of staggered hours of duty in Metropolitan Washington.

(c) *Requirements.* (1) The requesting agency shall submit a written request to the General Services Administration, Public Buildings Service (PBS), Washington, D.C. 20405, which will include the proposed hours of duty, the number of employees affected, and a detailed justification for such action.

(2) The requesting agency must also coordinate with the related employees' union(s) and/or the affected employees in determining the percentage of employees in favor of any proposed change of hours and shall submit this figure with the request.

(3) In addition, the requesting agency is required to correlate its proposal with related police traffic departments and transportation systems, including the Washington Metropolitan Area Transportation Commission, to insure that the proposed hours, if adopted, would not cause additional congestion and impossible transportation demands, or otherwise disrupt normal traffic flow patterns to or from the particular area in which the agency is located.

(d) *Exceptions.* A proposed change in the schedule of hours of duty may be placed in effect by a Federal agency without approval of the Commissioner, PBS, in the following instances:

(1) When neither the current nor the proposed hours of duty begin or end within either of the periods 7:00–9:30 a.m. or 3:30–6:00 p.m.; or

(2) When the proposed change in the schedule of hours of duty affects fewer than 50 employees unless the agency plans to apply the change to additional employees, bringing the total to 50 or more within a 3-month period.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (12–8–71).

Dated: December 3, 1971.

ROBERT L. KUNZIG,
Administrator of General Service.

[FR Doc.71–18048 Filed 12–7–71;8:52 am]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[21 CFR Part 304]

RECORDS AND REPORTS OF REGISTRANTS

Notice of Proposed Rule Making

Under the authority vested in the Attorney General by sections 306, 307, and 501 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801, et seq.) and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs, by § 0.100 of Title 28 of the Code of Federal Regulations, the Director hereby proposes that Part 304 of Title 21 of the Code of Federal Regulations be amended as follows:

1. By amending § 304.31(a) by deleting the phrase "narcotic controlled substances listed in schedules I, II, and III" in the first sentence of paragraph (a) and replacing it with the phrase "controlled substances listed in schedules I and II and narcotic controlled substances listed in schedule III."

2. By amending § 304.31(b) by deleting the phrase "narcotic controlled substances listed in schedules I, II, and III" in the first sentence of paragraph (b) and replacing it with the phrase "controlled substances listed in schedules I and II and narcotic controlled substances listed in schedule III."

3. By amending § 304.31(c) as follows:

(a) By deleting the phrase "narcotic controlled substances in schedules I, II, and III" in the first sentence of paragraph (c) and replacing it with the phrase "controlled substances listed in schedules I and II and narcotic controlled substances listed in schedule III; and

(b) By deleting the phrase "narcotic controlled substances shall be reported" in the fifth sentence of paragraph (c) and replacing it with the phrase "controlled substances listed in schedules I and II and narcotic controlled substances listed in schedules III, IV and V shall be reported."

4. By amending § 304.31(d) by deleting the phrase "narcotic controlled substances listed in schedules I, II, and III" in the first, second, and sixth sentences of paragraph (d) and replacing them with the phrase "controlled substances listed in schedules I and II and narcotic controlled substances listed in schedule III."

5. By amending § 304.31(e) as follows:

(a) By deleting the phrase "narcotic controlled substances listed in schedules I, II, and III" in the first sentence of paragraph (e) and replacing it with the phrase "controlled substances listed in schedules I and II and narcotic controlled substances listed in schedule III"; and

(b) By deleting the word "narcotic" which occurs three times in the third sentence.

6. By amending § 304.31(f) by deleting the phrase "narcotic controlled substances listed in schedules I, II, and III" and replacing it with the phrase "controlled substances listed in schedules I and II and narcotic controlled substances listed in schedule III."

7. By amending § 304.32 by deleting the word "narcotic" in the following:

(a) The first sentence of paragraphs (a), (b), and (c); and

(b) The first and second sentence of paragraph (d).

All interested persons are invited to submit their comments and objections in writing regarding this proposal. Comments and objections should be submitted in quintuplicate to the Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 611, 1405 Eye Street NW., Washington, DC 20537, and must be received by January 7, 1972.

Dated: December 2, 1971.

JOHN FINLATOR,
Acting Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.71-17855 Filed 12-7-71;8:45 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 971]

LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Proposed Increase in Rate of Assessment

Consideration is being given to a proposal submitted by the South Texas Lettuce Committee, established pursuant to Marketing Agreement No. 144 and Marketing Order 971 (7 CFR Part 971). This marketing order program regulates the handling of lettuce grown in the Lower Rio Grande Valley in South Texas and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

It is proposed that the Secretary of Agriculture approve an increase in the rate of assessment to be paid by each handler, from 1 cent ($0.01) to 2 cents ($0.02) per carton of lettuce handled by him as the first handler thereof during said fiscal period.

Unfavorable weather conditions at planting time in the Lower Rio Grande Valley materially reduced the planted acreage of lettuce this year. As a result, the committee will not be able to meet its budgeted expenses unless the assessment rate is increased.

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 5th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: December 3, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-17897 Filed 12-7-71;8:46 am]

[7 CFR Part 982]

[Docket No. AO 205-A3]

FILBERTS GROWN IN OREGON AND WASHINGTON

Decision and Referendum Order Regarding Proposed Amendment of Marketing Agreement and Order

Pursuant to the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Portland, Oreg., July 8, 1971, after notice thereof was published in the FEDERAL REGISTER June 23, 1971 (36 F.R. 11942), on proposals to amend the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington. The amended marketing agreement and the amended order are effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed with the Hearing Clerk, U.S. Department of Agriculture.

Notice thereof, affording opportunity to file written exceptions thereto, was published November 9, 1971, in the FEDERAL REGISTER (F.R. Doc. 71-16348; 36 F.R. 21411). No exception to said recommended decision was filed.

The material issues, findings and conclusions, and general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 71-16348; 36

F.R. 21411) are hereby approved and adopted as the material issues, findings and conclusions, and general findings of this decision as if set forth in full herein.

Amendment of the amended marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Filberts Grown in Oregon and Washington" and "Order Amending the Order, as Amended, Regulating the Handling of Filberts Grown in Oregon and Washington" which have been decided on as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among producers who, during the period August 1, 1970, through July 31, 1971 (which period is hereby determined to be a representative period for the purpose of such referendum), have been engaged in the production of filberts in the area of production (i.e., the States of Oregon and Washington) to ascertain whether such producers favor the issuance of the said annexed order amending the order, as amended, regulating the handling of filberts grown in Oregon and Washington.

James S. Miller, Charles A. Rusk, and Allan E. Henry of the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, are hereby designated referendum agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR Part 900).

The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed amendatory order.

Any producer entitled to vote in the referendum who does not receive a copy of the aforesaid annexed order, voting instructions, or a ballot or other necessary information, will be able to obtain the same from Allan E. Henry, Portland Marketing Field Office, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, 1218 Southwest Washington Street, Portland, OR 97205.

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement, as amended, are identical with those contained in the said order, as amended, and as further amended by the annexed order which will be published with this decision.

Dated: December 2, 1971.

RICHARD LYNG,
Assistant Secretary.

Order[1] *Amending the Order, as Amended, Regulating the Handling of Filberts Grown in Oregon and Washington*

§ 982.0 Findings and determinations.

(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations made in connection with the issuance of the order and the previously issued amendments thereto; and all of said prior findings and determinations are hereby ratified and affirmed except insofar as such prior findings and determinations may be in conflict with the findings and determinations set forth herein. (For prior findings and determinations see 14 F.R. 5964; 19 F.R. 1163; 24 F.R. 6185).

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Portland, Oreg, on July 8, 1971, on a proposed amendment of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington. On the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of filberts grown in Oregon and Washington in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the area of production would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of filberts in the area of production covered by the order, as amended and as hereby further amended, which require different terms applicable to different parts of such area; and

(5) All handling of filberts grown in Oregon and Washington is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

It is therefore ordered, That on and after the effective date hereof, all handling of filberts grown in Oregon and Washington shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

§§ 982.45 and 982.51 [Amended]

1. Sections 982.45(a) and 982.51 are amended by revising the parenthetical references therein "(as defined in the Oregon Grades and Standards for Walnuts and Filberts)" to read "(as defined in the Oregon Grade Standards Filberts In Shell)".

2. A new paragraph (d) is added to § 982.52 to read:

§ 982.52 Disposition of restricted filberts.

* * * * *

(d) *Restricted credits.* During any fiscal year, handlers who dispose of a quantity of certified merchantable filberts, in restricted outlets, in excess of their restricted obligation, may transfer such excess credits to another handler or handlers. Upon a handler's written request to the Board during a fiscal year, the Board shall transfer any or all of such excess restricted credits to such other handler or handlers as he may designate. The Board, with the approval of the Secretary, shall establish rules and regulations for the transfer of excess restricted credits.

3. Section 982.61 is revised by adding the following sentences after the last sentence:

§ 982.6 Expenses.

* * * The Board shall impose a late payment charge on any handler who fails to pay his assessment within the time prescribed by the Board. In the event the handler thereafter fails to pay the amount outstanding, including the late payment charge, within the prescribed time, the Board shall impose an additional charge in the form of interest on such outstanding amount. The rate of such charges shall be prescribed by the Board, with the approval of the Secretary.

§ 982.69 [Amended]

4. Section 982.69 is revised by inserting in the first sentence in lieu of "the Board", the words "the Secretary, and the Board" and by inserting in the second sentence immediately prior to the words "the Board" the words "the Secretary or".

[FR Doc.71-17898 Filed 12-7-71;8:46 am]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

Farmers Home Administration

[7 CFR Part 1807]

Loan Closing Requirements

TIMESAVING AND PROGRAM IMPROVEMENT MEASURES

The Farmers Home Administration proposes to amend its loan closing requirements in the following manner, rather than as presently prescribed in 7 CFR Part 1807, to permit the Agency to administer loan closing with the greatest efficiency possible. Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Assistant Administrator for Management, Farmers Home Administration, U.S. Department of Agriculture, Room 5013, South Building, Washington, D.C. 20250, within 30 days after date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Assistant Administrator for Management during regular business hours. (8:15 a.m.–4:45 p.m.) As amended, these requirements will read as follows:

Use of designated attorneys and title insurance companies for loan closing. Each State Director will authorize designated attorneys or approved title insurance companies to close real estate loans and transfers specified in Part 1807 of this chapter (such loans and transfers being hereinafter referred to as "loans" or "loan closings") and will give them responsibility for disbursing loan funds and any funds the borrower is required to furnish in connection with the loan, provided:

The designated attorney has liability insurance for errors and omissions in the amount of at least $100,000 and has a fidelity bond of at least $50,000 or 50 percent of the amount of FHA Government funds and FHA borrower funds he will have on hand on any one day, as estimated by the County Supervisor, whichever is less.

The title insurance company has liability and fidelity coverage of not less than $50,000 on each employee having access to such funds or responsibility for such loan closing.

The designated attorney or title insurance company makes application on Form FHA 427–14, "Agreement to Provide Loan Closing Services," properly completed and executed, to take the responsibility for loan closings and the disbursement of such funds and the application is given written approval by the State Director.

The State Director will approve the application by endorsing his approval on a conformed copy of the application and will notify the designated attorney or title insurance company of his approval by returning the approved copy. Such an attorney or company so approved may be referred to hereinafter as the "Escrow Agent."

If an acceptable Escrow Agent is not available in any county or area, loans in that county or area will be closed in accordance with Part 1807 of this chapter in the usual manner. However, the reasons for the unavailability of acceptable closers will be documented and the recommendation of the State Director for future handling of such loans will be submitted to the National Office.

Each State Director will issue instructions as necessary to implement loan closings under this part. These instructions will prescribe which originals and how many copies of specified forms must be executed or conformed and which originals and/or copies must be returned to the County Office after completion of the loan or transfer closing and any other essential information that is not contained in Part 1807, including the requirements herein.

Form FHA 427–15, "Loan Closing Instructions," will be used to transmit the necessary forms, documents and instructions to the Escrow Agent.

For any loan closing for which an Escrow Agent will be responsible, no FHA personnel will be present unless authorized by the State Director on an individual case basis.

Each State Director will see that all designated attorneys and approved title insurance companies are fully informed of what their responsibilities are expected to be if they apply for and receive approval as Escrow Agents under this part, and that they are given an opportunity to make application for such approval. Designated attorneys and title insurance companies which do not apply within a reasonable time or are not approved will be removed from the lists of designated attorneys and approved title insurance companies except in cases covered herein.

County Supervisor's responsibilities. The County Supervisor will:

See that the requirements for property insurance set forth in Part 1806 of this chapter are complied with, including a receipt for payment of 1 year's insurance, and the applicant's income and debts have not increased substantially since the loan docket was developed. This will be done before the loan closing instructions are issued and by use of Form FHA 427–16, "Notification of Loan Closing." If the applicant's income or debts have changed substantially, or if more than 90 days have passed since the loan was approved, the applicant will be required to contact the County Supervisor immediately for a review of his situation.

Furnish to the Escrow Agent the check made payable to the borrower and all forms, documents, and instructions necessary for closing the loan.

Require the Escrow Agent to furnish FHA with a receipt on Form FHA 427–17, "Loan Closing Statement," showing how the loan funds were disbursed.

Review the material sent to him by the Escrow Agent to see that the loan was properly closed and that all funds were disbursed as instructed.

Escrow Agent's responsibilities. The Escrow Agent will apply for approval and agree to close loans and disburse funds by submitting to the State Director an executed completed original and one copy of Form FHA 427–14.

Agree to furnish legal services, close loans, and disburse funds in accordance with Part 1807 of this chapter and other instructions to be received from the County Supervisor or other FHA official.

Disburse loan funds and any funds furnished by the borrower. Loan checks received by the Escrow Agent will be endorsed by the loan applicant and deposited by the Escrow Agent in an escrow account on the day of loan closing and disbursed in accordance with Part 1807 and other instructions received from FHA. The loan check will not be endorsed or deposited in the escrow account until the Escrow Agent has determined that the loan can be closed. Funds will not be disbursed from the escrow account until the mortgage is filed for record. Any balance of funds to be used to complete planned development will be deposited in a supervised bank account (which is a bank account on which checks must be signed by the borrower and countersigned by authorized personnel) by the Escrow Agent after obtaining the borrower's signature on Form FHA 402–1, "Deposit Agreement," that has been completed by the County Supervisor and submitted with instructions to the Escrow Agent. The check used for withdrawing the funds from the escrow account will be made payable to the borrower and endorsed by him in the following manner—"For deposit only in my counter-signature bank account in the (name of bank and address when necessary for identification) pursuant to Deposit Agreement with the Bank and the United States dated _____."

Discontinuance of having Office of the General Counsel (OGC) issue closing instructions. It has been determined that it is not more reasonable or practical to have OGC issue closing instructions in order to avoid having designated attorneys and/or title insurance companies close or assist in closing loans. Therefore, for any State where closing instructions are being routinely issued by OGC for all loans of the types specified in Part 1807 of this chapter, the State Director will approve a sufficient number of designated attorneys and/or title insurance companies to make OGC issuance of such closing instructions unnecessary, and will discontinue using OGC for this purpose except when unusual circumstances of any individual case call for it. If the State Director cannot find a sufficient number of qualified available attorneys and/or title insurance companies to obviate the need for closing instructions being issued by OGC routinely, he will report the facts to the National Office.

No changes are being made in title clearance and loan closing for loans not covered by Part 1807 of this chapter.

(Sec. 339, 75 Stat. 318, 7 U.S.C. 1989, sec. 510, 63 Stat. 437, 42 U.S.C. 1480, sec. 4, 64 Stat. 100, 40 U.S.C. 442, sec. 301, 80 Stat. 379, 5 U.S.C. 301, Order of Acting Secretary of Agriculture, 36 F.R. 21529, Order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 F.R. 21529)

Dated: December 3, 1971.

JAMES V. SMITH,
Administrator,
Farmers Home Administration.

[FR Doc.71-17940 Filed 12-7-71;8:51 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 351]

APPROVAL OF DEPOSITORIES

Proposed Establishment of Criteria

Notice is hereby given that the Assistant Secretary of Commerce for Maritime Affairs, pursuant to section 204 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1114), is considering the promulgation of the following regulation to establish the criteria for depositories of funds where depositories are required in the various maritime programs under the Merchant Marine Act, 1936, as amended.

Therefore, the Assistant Secretary of Commerce for Maritime Affairs proposes to add new §§ 351.1 and 351.2 to Part 351 of Title 46, Chapter II, Code of Federal Regulations to read as follows:

Sec.
351.1 Purpose.
351.2 Criteria.

AUTHORITY: The provisions of §§ 351.1–351.2 issued under sec. 204 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1114).

§ 351.1 Purpose.

The purpose of this section is to set forth the criteria the Secretary of Commerce (the "Secretary") will use in determining whether a depository qualifies for the deposit of funds with respect to the various programs under the Merchant Marine Act, 1936, as amended (the "Maritime Programs").

§ 351.2 Criteria.

The Secretary will agree to the deposit of funds in any depository which:

(a) Is a citizen of the United States as defined in section 905(c), Merchant Marine Act, 1936, as amended;

(b) Is organized as a corporation under the laws of the United States, any State, territory, or possession thereof or the District of Columbia; and

(c) Is a member of the Federal Deposit Insurance Corporation.

The size of deposits in the depository for any one person, generated under the Maritime Programs, shall not exceed five (5) percent of the depository's total deposits.

While the Maritime Programs are exempt from the provisions of 5 U.S.C. 553, the Assistant Secretary of Commerce for Maritime Affairs invites all interested parties to submit written comments on the proposed regulation, in triplicate, to the Secretary, Maritime Administration, Department of Commerce, Washington, D.C. 20235, within 30 days from date of publication.

Dated: December 2, 1971.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary,
Maritime Administration.

[FR Doc.71-17943 Filed 12-7-71;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 3, 141, 141a, 141c, 141d, 141e, 146a, 146c, 146d, 146e, 148e, 148i, 148n, 148q]

OPHTHALMIC PREPARATIONS

Proposal To Require Sterility of All Ophthalmic Preparations

In the FEDERAL REGISTER of January 16, 1953 (18 F.R. 351), the Food and Drug Administration published a statement of general policy or interpretation (§ 3.28 notice to manufacturers and repackers of ophthalmic solutions which was revised in the FEDERAL REGISTER of September 1, 1964 (29 F.R. 12458)) stating that liquid preparations offered or intended for ophthalmic use which are not sterile may be regarded as adulterated and misbranded within the meaning of sections 501(c) and 502(j) of the act respectively. At that time the Food and Drug Administration did not require the sterility of ophthalmic ointments because of the difficulties involved in the production of such ointments and the lack of reliable methods to examine them for sterility. However, the desirability of extending the sterility requirements to ointments is recognized. Obviously, medication used to treat an already infected eye should not introduce additional infectious microorganisms.

The Food and Drug Administration has recently completed a survey of the entire ophthalmic ointment manufacturing industry to determine whether it is now technologically feasible to produce sterile ophthalmic ointments. The results of the survey demonstrate that it is. Reliable methods of examining ointments for sterility are now available.

Therefore, the Commission of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 501(c), 502, 507, 701(a), 52 Stat. 1050–51 as amended, 1055, 59 Stat 463 as amended, 21 U.S.C. 351(c), 352, 357, 371(a)) and under authority delegated to him (21 CFR 2.120), proposes that Parts 3, 141, 141a, 141c, 141d, 141e, 146a, 146c, 146d, 146e, 148e, 148i, 148n, and 148q be amended as follows:

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

1. It is proposed that Part 3 be amended in § 3.28 by revising the section heading and paragraph (a) to read as follows:

§ 3.28 Ophthalmic preparations and dispensers.

(a) Informed medical opinion is in agreement that all preparations offered or intended for ophthalmic use, including contact lens solutions and preparations for cleansing the eyes, should be sterile. It is further evident that such preparations purport to be of such purity and quality as to be suitable for safe use in the eye.

* * * * *

The Food and Drug Administration concludes that all such preparations, if they are not sterile, fall below their professed standard of purity or quality and may be unsafe. In a statement of policy issued on September 1, 1964, the Food and Drug Administration ruled that liquid preparations offered or intended for ophthalmic use that are not sterile may be regarded as adulterated within the meaning of section 501(c) of the Federal Food, Drug, and Cosmetic Act, and, further, may be deemed misbranded within the meaning of section 502(j) of the act. This ruling is extended to affect all preparations for ophthalmic use; however, to provide time for development of procedures and change over to sterile production this ruling will not be effective for ointments until 6 months after the date of publication of the order in the FEDERAL REGISTER.

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

2. It is proposed that Part 141 be amended in § 141.2 *Sterility test methods and procedures:*

A. By redesignating paragraph (d) as paragraph (b) and revising it; redesignating paragraph (b) as paragraph (c) and adding five new subparagraphs; redesignating paragraph (c) as paragraph (d), revising the existing subparagraphs, and adding a new subparagraph (5); and paragraph (e) is amended by adding a new subparagraph (3) to read as follows:

§ 141.2 Sterility test methods and procedures.

* * * * *

(b) *Equipment and reagents*—(1) *Bacterial membrane filter.* The filter has a nominal porosity of 0.45 micron±0.02 micron, a diameter of approximately 47 millimeters, and a flowrate of 55 milliliters to 75 milliliters of distilled water passing each square centimeter of filter area per minute with a differential pressure of 70 centimeters of mercury at 25° C.

(2) *Penicillinase solutions.* When the amount of penicillinase to be used is specified in terms of Levy units, use a penicillinase solution standardized in terms of Levy units. One Levy unit of penicillinase inactivates 59.3 units of penicillin G in 1 hour at 25° C. and at a pH of 7.0 in a phosphate buffered solution of a pure alkali salt of penicillin G when the substrate is in sufficient concentration to maintain a zero order reaction.

(c) *Culture media.* * * *

(9) *Medium I.* To each liter of medium A add 1 milliliter of *p-tert*-octylphenoxy polyethoxyethanol.

(10) *Medium J.* To each liter of medium E add 1 milliliter of *p-tert*-octylphenoxy polyethoxyethanol.

(11) *Medium K (Rinse medium).* Prepare as follows:

Peptic digest of animal tissue: 5.0 gm.
Beef extract: 3.0 gm.
p-tert-octylphenoxy polyethoxyethanol: 10.0 ml.
Distilled water, q.s.: 1,000.0 ml.
pH 6.9±0.2 after sterilization.

(12) *Medium L.* To each liter of medium A add 1 milliliter of *p-tert*-octylphenoxy polyethoxyethanol and approximately 10,000 Levy units of penicillinase.

(13) *Medium M.* To each liter of medium E add 1 milliliter of *p-tert*-octylphenoxy polyethoxyethanol and approximately 10,000 Levy units of penicillinase.

(d) *Diluting fluids*—(1) *Diluting fluid A.* Dissolve 1 gram of U.S.P. peptic digest of animal tissue or equivalent in sufficient distilled water to make 1,000 milliliters. Dispense in flasks and sterilize as described in paragraph (c) of this section. Final pH=7.1±0.1.

(2) *Diluting fluid B.* To each liter of diluting fluid A add 5.0 milliliters of polysorbate 80 before sterilization.

(3) *Diluting fluid C.* To each liter of diluting fluid A add 0.5 gram of sodium thioglycollate, and adjust with NaOH so that after sterilization the final pH will be pH 6.6±0.6. Dispense in flasks and sterilize as described in paragraph (c) of this section.

(4) *Diluting fluid D.* To each liter of diluting fluid A add 1 milliliter of *p-tert*-octylphenoxy polyethoxyethanol. Dispense in flasks and sterilize as described in paragraph (c) of this section. Final pH+7.1±0.1.

(5) *Diluting fluid E.* Dispense 100-milliliter portions of isopropyl myristate into 250-milliliter flasks and sterilize by filtration through a 0.22 micron membrane filter and aseptically dispense into sterile 250-milliliter flasks.

(e) * * *

(3) *Bacterial membrane filter method for ophthalmic ointments*—(i) *Ointments that do not contain penicillin.* From each of 10 immediate containers aseptically transfer 0.1 gram of the product into a sterile 250-milliliter flask containing 100 milliliters of diluting fluid E which has previously been heated to a temperature of 47° C. Repeat the process, using 10 additional containers. Swirl both of the flasks to dissolve the ointment. Immediately aseptically filter each solution through a separate bacteriological membrane filter previously moistened with approximately 0.2 milliliter of medium K. Filter all air entering the system through air filters capable of removing micro-organisms. Remove any residual antibiotic from the membranes by rinsing each filter five times with 100 milliliters of medium K. The membranes should be covered with fluid throughout each step of the filtration procedure until the end of the last filtering step. By means of a sterile circular blade, paper punch, or other suitable sterile device, cut a circular portion (approximately 17.5 millimeters in diameter) from the center of the filtering area of each membrane. Transfer the center portion of the filtering area of each filter to a sterile test tube 38 millimeters x 200 millimeters (outside dimensions) containing 90 milliliters±10 milliliters of sterile medium I. Incubate the tube for 7 days at 30° C. to 32° C. Using sterile forceps transfer the outer portion of each filter to a similar test tube containing 90 milliliters±10 milliliters of sterile medium J. Incubate this tube for 7 days at 22° C. to 25° C.

(ii) *Ointments containing penicillin.* Proceed as directed in subdivision (i) of this subparagraph, except in lieu of sterile medium I use sterile medium L for the center portion of the filtering area of each filter and in lieu of sterile medium J use sterile medium M for the remaining outer portion of each filter.

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

3. It is proposed that Part 141a be amended in § 141a.8 by adding a new paragraph (c) to read as follows:

§ 141a.8 Penicillin ointment.

* * * * *

(c) *Sterility.* If the ointment is intended for opthalmic use, proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e) (3) of that section.

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

4. It is proposed that Part 141c be amended in § 141c.202 by adding a new paragraph (c) to read as follows:

§ 141c.202 Chlortetracycline hydrochloride ointment, chlortetracycline calcium ointment, chlortetracycline calcium cream; tetracycline hydrochloride ointment (tetracycline hydrochloride in oil suspension); tetracycline ointment (tetracycline cream).

* * * * *

(c) *Sterility.* If the ointment is intended for opthalmic use, proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e) (3) of that section.

PART 141d—CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

5. It is proposed that Part 141d be amended:

A. By revising § 141d.303 to read as follows:

§ 141d.303 Chloramphenicol ointment.

(a) *Potency.* Proceed as directed in § 141d.301(a), excluding § 141d.301(a) (9) and (10), and in lieu of the directions in § 141d.301(a)(4) prepare the sample by one of the following methods:

(1) Place an accurately weighed representative sample (usually 1.0 gram of the ointment) in a blending jar containing 1 milliliter of a 10 percent aqueous solution of polysorbate 80 and sufficient 1-percent phosphate buffer at pH 6.0 to make 100 milliliters. Using a high-speed blender, blend the mixture for 2 minutes and make the proper estimated dilutions in 1 percent phosphate buffer at pH 6.0.

(2) Place a representative sample (0.5 gram) in a separatory funnel containing 10 milliliters of petroleum ether. Shake the separatory funnel vigorously to bring about complete mixing of the ointment and ether. Shake with a 15-milliliter portion of 1 percent phosphate buffer at pH 6.0. Remove the buffer layer and repeat the extraction with two additional 15-milliliter portions of buffer. Combine the extractives and dilute to 50 milliliters with 1 percent phosphate buffer. Make the proper estimated dilutions in 1 percent phosphate buffer at pH 6.0.

The potency of chloramphenicol ointment is satisfactory if it contains not less than 85 percent of the number of milligrams per gram that it is represented to contain.

(b) *Sterility.* If the ointment is intended for ophthalmic use, proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(3) of that section. However, if the ointment is not soluble in isopropyl myristate proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use 100 milligrams in lieu of 300 milligrams of solids.

B. By revising § 141d.313 to read as follows:

§ 141d.313 Chloramphenicol-polymyxin ointment.

(a) *Potency*—(1) *Chloramphenicol content.* Proceed as directed in § 141d.303. Its chloramphenicol content is satisfactory if it contains not less than 85 percent of the number of milligrams per gram that it is represented to contain.

(2) *Polymyxin content.* Proceed as directed in § 141b.112(b)(1) of this chapter, except in lieu of the directions in

§ 141b.112(b)(1)(vii) of this chapter for the preparation of the sample, prepare the sample as follows: Place an accurately weighed sample (usually approximately 1.0 gram) in a separatory funnel containing approximately 50 milliliters of peroxide-free ether, and shake the sample and ether until homogeneous. Add 25 milliliters of 10-percent potassium phosphate buffer, pH 6.0, and shake. Remove the buffer layer and repeat the extraction with three additional 25-milliliter portions of buffer. Combine the extractives and make the proper estimated dilutions, using the buffer solution, except that, if the sample contains a water-soluble base, place an accurately weighed representative sample in a blending jar containing 1.0 milliliter of polysorbate 80 and sufficient 10 percent potassium phosphate buffer, pH 6.0, to give a final volume of 200 milliliters. Using a high-speed blender, blend the mixture for 2 minutes to 3 minutes and then make the proper estimated dilutions with 10 percent phosphate buffer pH 6.0. Its content of polymyxin is satisfactory if it contains not less than 85 percent of the number of units per gram that it is represented to contain.

(b) *Sterility.* If the ointment is intended for ophthalmic use, proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(3) of that section. However, if the ointment is not soluble in isopropyl myristate proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use 100 milligrams in lieu of 300 milligrams of solids.

PART 141e—BACITRACIN AND BACITRACIN CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

6. It is proposed that Part 141e be amended:

A. In § 141e.402 by adding a new paragraph (c) to read as follows:

§ 141e.402 Bacitracin ointment; zinc bacitracin ointment.

* * * * *

(c) *Sterility.* If the ointment is intended for ophthalmic use, proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(3) of that section.

B. In § 141e.409 by adding a new paragraph (c) to read as follows:

§ 141e.409 Bacitracin-polymyxin ointment; zinc bacitracin-polymyxin ointment.

* * * * *

(c) *Sterility.* If the ointment is intended for ophthalmic use, proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(3) of that section.

C. In § 141e.411 by adding a new paragraph (c) to read as follows:

§ 141e.411 Bacitracin-neomycin ointment; zinc bacitracin-neomycin ointment.

* * * * *

(c) *Sterility.* If the ointment is intended for ophthalmic use, proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(3) of that section.

D. In § 141e.422 by adding a new paragraph (c) to read as follows:

§ 141e.422 Bacitracin-polymyxin-neomycin ointment.

* * * * *

(c) *Sterility.* If the ointment is intended for ophthalmic use, proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(3) of that section.

(E) In § 141e.433 by revising paragraph (b) to read as follows:

§ 141e.433 Sterile bacitracin-neomycin sulfate-polymyxin B sulfate ophthalmic ointment; sterile bacitracin-neomycin sulfate-polymyxin B sulfate-hydrocortisone acetate ophthalmic ointment.

* * * * *

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(3) of that section.

* * * * *

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

7. It is proposed that Part 146a be amended in § 146a.26 by revising paragraphs (a) and (d) to read as follows:

§ 146a.26 Penicillin ointment.

(a) *Standards of identity, strength, quality, and purity.* Penicillin ointment is calcium penicillin, crystalline penicillin, procaine penicillin, or *l*-ephenamine penicillin G in a suitable and harmless ointment base, with or without a suitable anesthetic. If it is intended solely for topical veterinary use and not for udder instillation in dairy animals and is conspicuously so labeled, it may contain nitrofurazone. If it is intended for ophthalmic use, it contains crystalline penicillin G and it is sterile. Its moisture content is not more than 1.0 percent. Its potency is not less than 250 units per gram. The calcium penicillin or crystalline penicillin used conforms to the requirements of § 146a.24(a) except the limitation on penicillin K content and except § 146a.24(a)(1), (2), (3), and (4), but its potency is not less than 300 units per milligram. The crystalline penicillin G used in making penicillin ophthalmic ointment conforms to the requirements of § 146a.24(a) except the limitation of penicillin K content and except § 146a.24(a)(4). The procaine penicillin used conforms to the requirements of § 146a.44(a) except § 146a.44(a)(2), (3), and (4). The *l*-ephenamine penicillin G used conforms to the requirements of § 146a.64(a) except § 146a.64(a)(2), (3), and (4). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

* * * * *

(d) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(1) Results of tests and assays on:

(i) The penicillin used in making the batch for potency, moisture, pH, for crystallinity if it is a crystalline salt of penicillin, for heat stability if it is crystalline penicillin or *l*-ephenamine penicillin G, for the penicillin G content if it is penicillin G, for the specific rotation if it is *l*-ephenamine penicillin G, and for toxicity if the ointment is intended for ophthalmic use.

(ii) The batch for potency and moisture and for sterility if the ointment is intended for ophthalmic use.

(2) Samples required:

(i) The penicillin used in making the batch: 5 packages, or in the case of crystalline penicillin, 10 packages, each containing approximately 60 milligrams if it is not procaine penicillin, and approximately 300 milligrams if it is procaine penicillin, packaged in accordance with the requirements of § 146a.24(b) or § 146a.44(b).

(ii) The batch:

(*a*) For all tests except sterility: A minimum of 5 immediate containers.

(*b*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

8. It is proposed that Part 146c be amended in § 146c.202 by revising paragraphs (a) and (d) to read as follows:

§ 146c.202 Chlortetracycline hydrochloride ointment; chlortetracycline calcium ointment; chlortetracycline calcium cream; tetracycline hydrochloride ointment (tetracycline hydrochloride in oil suspension); tetracycline ointment (tetracycline cream).

(a) *Standards of identity, strength, quality, and purity.* Chlortetracycline hydrochloride ointment, tetracycline hydrochloride ointment, and tetracycline ointment are crystalline chlortetracycline hydrochloride, chlortetracycline calcium, tetracycline hydrochloride, or tetracycline, in a suitable and harmless ointment base. It may contain a suitable local anesthetic, cortisone, hydrocortisone, or a suitable ester of cortisone or hydrocortisone, and one or more suitable and harmless preservatives and stabilizing agents.

If it is intended for ophthalmic use, it contains chlortetracycline hydrochloride or tetracycline hydrochloride and it is sterile. Its moisture content is not more than 1 percent if it is chlortetracycline hydrochloride or tetracycline hydrochloride ointment. Its potency is not less than 1 milligram per gram. The chlortetracycline hydrochloride used in making the chlortetracycline hydrochloride ointment and in preparing the chlortetracycline calcium used in making the chlortetracycline calcium ointment conforms to the requirements of § 146c.201(a) except § 146c.201(a) (1), (2), (3), (4), and (5) but its potency is not less than 750 micrograms per milligram. The chlortetracycline hydrochloride used in making the chlortetracycline hydrochloride ophthalmic ointment conforms to the requirements of § 146c.201(a) except § 146c.201 (a) (4) and (5). The tetracycline hydrochloride used conforms to the requirements of § 146c.218(a) except § 146c.218 (a) (2), (3), (4), and (5). The tetracycline hydrochloride used in making the tetracycline hydrochloride ophthalmic ointment conforms to the requirements of § 146c.218(a) except § 146c.218(a) (4) and (5). The tetracycline used conforms to the requirements of § 146c.220(a). Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

* * * * *

(d) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(1) Results of tests and assays on:

(i) The chlortetracycline hydrochloride or tetracycline hydrochloride or tetracycline used in making the batch for potency, moisture, pH, and crystallinity, and for absorptivity if it is tetracycline hydrochloride or tetracycline, and for toxicity if the ointment is intended for ophthalmic use.

(ii) The batch for potency and moisture and for sterility if it is intended for ophthalmic use.

(2) Samples required:

(i) The chlortetracycline or tetracycline hydrochloride or tetracycline used in making the batch: 10 packages, each containing approximately 60 milligrams, packaged in accordance with the requirements of § 146c.201(b).

(ii) The batch:

(*a*) For all tests except sterility: A minimum of 5 immediate containers.

(*b*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

PART 146d—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL - CONTAINING DRUGS

9. It is proposed that Part 146d be amended in § 146d.303 by revising paragraphs (a) and (d) to read as follows:

§ 146d.303 Chloramphenicol ointment (chloramphenicol cream).

(a) *Standards of identity, strength, quality, and purity.* Chloramphenicol ointment is chloramphenicol in a suitable and harmless ointment base, with or without suitable and harmless buffer substances, dispersing and suspending agents. It may contain cortisone or a suitable derivative of cortisone. If such base is water-miscible, it shall contain a suitable and harmless preservative. Its potency is not less than 1.0 milligram per gram. If it is intended for ophthalmic use, it is sterile. The chloramphenicol used conforms to the requirements of § 146d.301(a) except § 146d.301(a) (2), (3), (4), and (5) of that paragraph. The chloramphenicol used in making the chloramphenicol ophthalmic ointment conforms to the requirements of § 146d.-301(a) except § 146d.301(a) (4) and (5). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

* * * * *

(d) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(1) Results of tests and assays on:

(i) The chloramphenicol used in making the batch for potency, pH, specific rotation, melting point, and absorptivity, and for toxicity if the ointment is intended for ophthalmic use.

(ii) The batch for potency and for sterility if the ointment is intended for ophthalmic use.

(2) Samples required:

(i) The chloramphenicol used in making the batch: 10 packages, each containing approximately 300 milligrams, packaged in accordance with the requirements of § 146d.301(b).

(ii) The batch:

(*a*) For all tests except sterility: A minimum of 5 immediate containers if it is packaged in immediate containers of tin or glass; a minimum of 20 immediate containers if it is packaged in immediate containers other than tin or glass.

(*b*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN CONTAINING DRUGS

10. It is proposed that Part 146e be amended in § 146e.402 by revising paragraphs (a) and (d) to read as follows:

§ 146e.402 Bacitracin ointment; zinc bacitracin ointment.

(a) *Standards of identity, strength, quality, and purity.* Bacitracin ointment and zinc bacitracin ointment are composed of bacitracin or zinc bacitracin in a suitable and harmless ointment base, or they are a powder composed of bacitracin or zinc bacitracin and one or more suitable and harmless diluents, dispersing agents, and preservatives which upon the addition of the quantity of water recommended in its labeling, produces an ointment. It may contain a suitable local anesthetic, cortisone, or a suitable derivative of cortisone, one or more suitable sulfonamides, one or more suitable proteolytic enzymes, and, if it is intended solely for veterinary use and is conspicuously so labeled, one or more suitable antifungal agents or rotenone. Its potency is not less than 500 units per gram. If it is intended for ophthalmic use, it is sterile. Its moisture content is not more than 1 percent, except if it is a powder its moisture content is not more than 5 percent. The zinc bacitracin used conforms to the standards prescribed therefor by § 146e.418(a) except § 146e.-418(a)(2). The bacitracin used conforms to the standards prescribed therefor by § 146e.401(a) except § 146e.401(a) (2), (3), (4), and (8). The bacitracin used in making the bacitracin ophthalmic ointment conforms to the requirements of § 146e.401(a) except § 146e.401(a) (4) and (8). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

* * * * *

(d) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(1) Results of tests and assays on:

(i) The bacitracin or zinc bacitracin used in making the batch for potency, moisture, and pH, and for ash content if it is bacitracin or for zinc content if it is zinc bacitracin, and for toxicity if the ointment is intended for ophthalmic use.

(ii) The batch for potency and moisture and for sterility if it is intended for ophthalmic use.

(2) Samples required:

(i) The bacitracin used in making the batch: Six packages, each containing approximately 500 milligrams, packaged in accordance with the requirements of § 146e.401(b).

(ii) The zinc bacitracin used in making the batch: Five packages, each containing approximately 1 gram, packaged in accordance with the requirements of § 146e.408(b).

(iii) The batch:

(*a*) For all tests except sterility: A minimum of five immediate containers.

(*b*) For sterility testing: Twenty immediate containers, collected at regular intervals throughout each filling operation.

PART 148e—ERYTHROMYCIN

11. It is proposed that Part 148e be amended:

§ 148e.16 [Reserved]

A. By revoking § 148e.16 *Erythromycin-polymyxin B sulfate ophthalmic ointment* and reserving it for future use.

B. In § 148e.31 *Erythromycin ophthalmic ointment:*

a. By inserting the following new sentence between the third and fourth sentences in paragraph (a)(1): "It is sterile."

b. By revising paragraph (a) (3) (i) (*b*) and (ii) (*b*); and by redesignating paragraph (b) (2) as (3) and inserting a new subparagraph (2) as follows:

§ 148c.31 Erythromycin ophthalmic ointment.

(a) * * *
(3) * * *
(i) * * *

(b) The batch for potency, sterility, and moisture.

(ii) * * *

(b) The batch:

(1) For all tests except sterility: A minimum of five immediate containers.

(2) For sterility testing: Twenty immediate containers, collected at regular intervals throughout each filling operation.

(b) * * *

(1) * * *

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(3) of that section.

(3) *Moisture.* Proceed as directed in § 141.502 of this chapter.

PART 148i—NEOMYCIN SULFATE

12. It is proposed that Part 148i be amended:

A. In § 148i.3 *Neomycin sulfate ointment; neomycin sulfate _____ ointment (the blank being filled in with the established name(s) of the other active ingredient(s) present in accordance with paragraph (a)(1) of this section):*

a. By inserting the sentence, "If it is intended for ophthalmic use, it is sterile." in the closing text in paragraph (a)(1) immediately after the sentence which reads, "If it is an oleaginous base, its moisture content is not more than 1 percent."

b. By revising paragraph (a)(3) (i) (*b*) and (ii)(*b*); and in paragraph (b) by redesignating subparagraph (2) as (3) and inserting a new subparagraph (2) as follows:

§ 148i.3 Neomycin sulfate ointment; neomycin sulfate-_____ ointment (the blank being filled in with the established name(s) of the other active ingredient(s) present in accordance with paragraph (a)(1) of this section.

(a) * * *
(3) * * *
(i) * * *

(*b*) The batch for potency and for moisture if the ointment base is oleaginous and for sterility if the ointment is intended for ophthalmic use.

(ii) * * *

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of five immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) * * *

(1) * * *

(2) *Sterility.* If the ointment is intended for ophthalmic use, proceed as directed in § 141.2 of this chapter, using the method as described in paragraph (e)(3) of that section.

(3) *Moisture.* If the ointment has an oleaginous base, proceed as directed in § 141.502 of this chapter.

B. In § 148i.26 *Neomycin sulfate-gramicidin ointment; neomycin sulfate-gramicidin-triamcinolone acetonide ointment; neomycin sulfate-gramicidin-fludrocortisone acetate ointment:*

a. By inserting the following sentence between the third and fourth sentences in paragraph (a)(1): "If it is intended for ophthalmic use, it is sterile."

b. By revising paragraph (a)(3) (i) (*c*) and (ii)(*c*); and in paragraph (b) by redesignating subparagraph (2) as (3) and inserting a new subparagraph (2) to read as follows:

§ 148i.26 Neomycin sulfate-gramicidin ointment; neomycin sulfate-gramicidin-triamcinolone acetonide ointment; neomycin sulfate-gramicidin-fludrocortisone acetate ointment.

(a) * * *
(3) * * *
(i) * * *

(*c*) The batch for neomycin content, gramicidin content, and moisture, and for sterility if it is intended for ophthalmic use.

(ii) * * *

(*c*) The batch:

(*1*) For all tests except sterility: A minimum of six immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) * * *

(2) *Sterility.* If the ointment is intended for ophthalmic use, proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(3) of that section. However, if the ointment is not soluble in isopropyl myristate proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use 100 milligrams in lieu of 300 milligrams of solids.

(3) *Moisture.* Proceed as directed in § 141.502 of this chapter.

PART 148n—OXYTETRACYCLINE

13. It is proposed that Part 148n be amended:

A. In § 148n.18 *Oxytetracycline hydrochloride ophthalmic ointment:*

a. By inserting the following sentence between the second and third sentences in paragraph (a)(1): "It is sterile."

b. By revising paragraphs (a)(3) (i) (*b*) and (ii)(*b*); and in paragraph (b) by redesignating subparagraph (2) as (3) and by inserting a new subparagraph (2) to read as follows:

§ 148n.18 Oxytetracycline hydrochloride ophthalmic ointment.

(a) * * *
(3) * * *
(i) * * *

(*b*) The batch for potency, sterility, and moisture.

(ii) * * *

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of five immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) * * *

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(3) of that section.

(3) *Moisture.* Proceed as directed in § 141.502 of this chapter.

B. In § 148n.21 *Oxytetracycline hydrochloride-polymyxin B sulfate eye and ear ointment:*

a. By inserting the following new sentence between the second and third sentences: "It is sterile."

b. By revising paragraph (a)(3) (i) (*c*) and (ii)(*c*); and in paragraph (b) by redesignating subparagraph (2) as (3) and inserting a new subparagraph (2) to read as follows:

§ 148n.21 Oxytetracycline hydrochloride-polymyxin B sulfate eye and ear ointment.

(a) * * *
(3) * * *
(i) * * *

(*c*) The batch for oxytetracycline content, polymyxin B content, sterility, and moisture.

(ii) * * *

(*c*) The batch:

(*1*) For all tests except sterility: A minimum of six immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) * * *

(1) * * *

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(3) of that section.

(3) *Moisture.* Proceed as directed in § 141.502 of this chapter.

PART 148q—GENTAMICIN

14. It is proposed that Part 148q be amended in § 148q.6 *Gentamicin sulfate ophthalmic ointment:*

A. By inserting the following sentence between the second and third sentences in paragraph (a)(1): "It is sterile."

B. By revising paragraph (a)(3) (i) (*b*) and (ii)(*b*); and in paragraph (b) by redesignating subparagraph (2) as (3) subparagraph (3) as (4), and inserting a new subparagraph (2) to read as follows:

§ 148q.6 Gentamicin sulfate ophthalmic ointment.

(a) * * *
(3) * * *
(i) * * *

(*b*) The batch for gentamicin potency, sterility, moisture, and particulate contamination.

(ii) * * *

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 15 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) * * *

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(3) of that section.

(3) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(4) *Particulate contamination.* Proceed as directed in § 141.508 of this chapter.

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: November 18, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71–17893 Filed 12–7–71;8:45 am]

[21 CFR Part 141]

CERTAIN SEMISYNTHETIC PENICILLINS

Proposal To Increase Final Concentrations

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that the fourth column of the tables in § 141.506(b) (1) and (2) be amended as follows to increase the final concentrations of the semisynthetic penicillins, except nafcillin, in the iodometric assay:

§ 141.506 **Iodometric assay.**

* * * * *

(b) * * *

(1) * * *

Antibiotic	Initial solvent	Diluent (solution number as listed in § 141.102(a))	Final concentration in units or milligrams of activity per milliliter of standard solution
Ampicillin	* * *	* * *	1.25 milligrams.
* * *	* * *	* * *	* * *
Cloxacillin	* * *	* * *	1.25 milligrams.
Dicloxacillin	* * *	* * *	Do.
Methicillin	* * *	* * *	Do.
* * *	* * *	* * *	* * *
Oxacillin	* * *	* * *	1.25 milligrams.
* * *	* * *	* * *	* * *

(2) * * *

Antibiotic	Initial solvent	Diluent (solution as listed in § 141.102(a))	Final concentration in units or milligrams of activity per milliliter of sample
* * *	* * *	* * *	* * *
Ampicillin	* * *	* * *	1.25 milligrams.
Ampicillin trihydrate.	* * *	* * *	Do.
* * *	* * *	* * *	* * *
Buffered sodium methicillin.	* * *	* * *	1.25 milligrams.
* * *	* * *	* * *	* * *
Sodium ampicillin	* * *	* * *	1.25 milligrams.
Sodium cloxacillin monohydrate.	* * *	* * *	Do.
Sodium dicloxacillin monohydrate.	* * *	* * *	Do.
Sodium methicillin	* * *	* * *	Do.
* * *	* * *	* * *	* * *
Sodium nafcillin monohydrate.	* * *	* * *	1.25 milligrams.
Sodium oxacillin	* * *	* * *	Do.
* * *	* * *	* * *	* * *

* * * * *

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: November 21, 1971.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc.71–17845 Filed 12–7–71;8:45 am]

DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 71–SW–64]

Federal Aviation Administration

[14 CFR Part 71]

FEDERAL AIRWAY SEGMENT

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate VOR Federal airway No. 102 south alternate segment between Salt Flat, Tex., and Carlsbad, N. Mex.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Administration proposes to designate V–102 south alternate segment from Salt Flat, Tex., via the intersection of Salt Flat 085° T(073° M) and Carlsbad 220° T(208° M) radials. This proposed segment would be utilized as an alternate route for traffic between Salt Flat, Tex., and Carlsbad, N. Mex., when adverse weather prevails on the V–102 main airway segment.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in Washington, D.C., on December 1, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71–17868 Filed 12–7–71;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 245]

[Docket No. 23962; EDR–216A]

REPORTS OF OWNERSHIP OF STOCK

Extension of Time for Comments

DECEMBER 3, 1971.

The Board, by circulation of notice of proposed rule making EDR–216, dated November 3, 1971, and publication at 36 F.R. 21361, gave notice that it had under consideration proposed amendments to Part 245 to more precisely define which persons are required to report stock ownership in air carriers and to expand the contents of such reports. Interested persons were invited to participate in the proceeding by submission of twelve (12) copies of written data, views, or arguments pertaining thereto to the Docket Section of the Board on or before December 6, 1971.

Subsequent to the issuance of the proposed rule, the American Bankers Association (ABA) on behalf of a number of member banks requested an extension of time to December 13, 1971, for filing comments. ABA contends that in reviewing the proposed rules a number of its member banks have raised questions, some completely unforeseen, which require further study to determine whether

they suggest changes in the proposed regulations and that additional time is required to submit meaningful comments in the matter.

The undersigned finds that good cause has been shown for the extension of time requested.

Accordingly, pursuant to the authority delegated in § 385.20(d) of the Board's Organization Regulations, the undersigned hereby extends the time for submitting comments to December 13, 1971.

(Sec. 204(a) of the Federal Aviation Act, as amended, 72 Stat. 743; 49 U.S.C. 1324)

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel,
Rules and Rates.

[FR Doc.71-17935 Filed 12-7-71;8:50 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 0, 2]

[Docket No. 19356; FCC 71-1194]

EQUIPMENT AUTHORIZATION OF RF DEVICES

Notice of Proposed Rule Making

In the matter of amendment of Parts 0 and 2 of the rules relating to equipment authorization of RF devices.

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. With the adoption of the new section 302 of the Communications Act of 1934, as amended,[1] the Commission was authorized to adopt regulations governing the interference potential of devices which in their operation are capable of emitting RF energy, by radiation, conduction, or other means in sufficient degree to cause harmful interference to radio communications.

3. On May 18, 1970, the Commission took a first step in the implementation of section 302 by issuing a Report and Order[2] adopting what are now referred to as the marketing regulations. The regulations adopted and codified as § 2.801, et seq. of the Commission's rules (47 CFR 2.801, et seq.), in general, prohibit the marketing of RF devices unless (1) any required equipment authorization (i.e. type approval, type acceptance, or certification), has first been obtained; or, (2) where no equipment authorization is required, the device complies with the technical specifications for such devices prescribed by the Commission.

4. The Commission's new marketing strictures have had a significant impact on manufacturers of RF devices covered by our rules since marketing operations involving such equipment cannot be initiated prior to the receipt of any requisite equipment authorization from the Commission. Additionally, the Commission's marketing rules have brought a number of equipment firms within the Commission's equipment authorization program who were not previously involved. This is attributable to the fact that, whereas equipment authorization was on a voluntary basis with respect to a number of devices prior to the effective date of the marketing rules, it is now mandatory.[3] Moreover, in an effort to reduce to tolerable levels the conditions of "spectrum pollution" or "electromagnetic smog," the Commission will be taking an increased role in the regulation of RF devices with an interference potential for which the Commission does not presently prescribe technical standards.

5. The Commission fully recognized that the expanded application of its equipment authorization program might necessitate examination of its present procedural rules. Thus, in adopting its marketing regulations, the Commission stated:

> No changes have been made in existing type acceptance, type approval, and certification procedures.
>
> However, as indicated above, we are presently reviewing our regulations to determine what changes are necessary and appropriate in light of this new authority and the rules herein adopted. A further rule making proceeding will be instituted to amplify the rules for equipment approval. 23 FCC 2d at 88.

As a result of the Commission's announced review, it is believed that the procedures for granting and administering equipment authorizations should be made more comprehensive and informative. We note, for example, that the procedures enunciated in Subpart F of Part 2, as currently constituted, relate only to type approval and type acceptance—certification is not covered therein. Additionally, it is considered that the present procedural rules are incomplete in that many procedural requirements peculiar to particular devices are not found in Part 2, but are currently located in those substantive sections of the rules governing the operation of the equipment.

6. What we propose in this rule making is a synthesis of most matters pertaining strictly to the procedural aspects of the equipment authorization program.[4] We do not propose to alter any existing substantive requirements or technical standards relating to equipment operation or performance characteristics. This does not mean that all the equipment authorization requirements for a specific device will be found in Part 2. Frequently the procedural rules will compel the submission of technical data specified in the substantive section, which section may further designate the measurement procedures to be followed or require other information or condition in connection with a unique type of equipment. Nonetheless, we trust that this revision will be helpful in outlining most of the procedural steps to be followed in acquiring equipment authorizations and the conditions attendant to grants thereof.

7. While we believe most of the procedures herein proposed to be self-explanatory, it may be salutary to discuss certain portions of the projected rules which differ substantially from those currently in effect.

WRITTEN APPLICATION

8. The only material change from the existing rules in this area, is the prescription of a standard form for each of the three methods of equipment authorization. These forms will be available upon request through the Office of Chief Engineer or at any Commission Field Engineering Bureau office. Such forms facilitate administration of fees in addition to improving the Commission's recordkeeping operations.

BILATERAL CERTIFICATION

9. The Commission has in the past provided for a "self-certification" procedure for most equipment operated without individual license under Parts 15 and 18 of our rules. Such "self-certification" merely required the user to perform certain engineering tests on the device and attach a label to his device "certifying" that the device had been tested and found to comply. In many cases, notably with respect to receivers and low power communication devices under Part 15, the manufacturer performed these tests voluntarily as a service to his customer and labeled the equipment. This system of self-certification has not proved entirely satisfactory in practice. Accordingly, we will now require that where the rules call for the equipment to be certificated, the equipment must receive such certification from the Commission prior to marketing. A grant of certification will be based on a review of test data and other relevant information specified in the rules proposed herein and required in the substantive part of the rules under which the equipment operates.

10. Certification of ISM equipment presents special problems. At present such ISM equipment which is not type approved is required to be "certificated" by the user based either on measurements made "on-site" or on a prototype by the manufacturer. In either case, the user presently retains this certificate and makes no filing with the Commission except in the case of industrial heating equipment where a copy of the certificate (executed on FCC Form 724) must be filed with the Commission. It is now proposed to apply the bilateral certification as described in the preceding paragraph also to ISM equipment. Thus, certification of ISM equipment will be granted by the Commission only after a review of

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[1] Public Law 90-379, approved July 5, 1968, 82 Stat. 290.

[2] The Report and Order (FCC 70-506), 35 F.R. 7894, 23 FCC 2d 79, terminated the proceedings in Docket 18426.

[3] See Report and Order in Docket 18426, 23 FCC 2d 79, and specifically paragraph 8 thereof.

[4] In this connection, it should be noted that a proposed revision of our type acceptance procedures is presently outstanding in Docket No. 17869, and we contemplate conforming that proceeding as necessitated by the rules herein adopted.

an application therefor, and it is intended that such equipment will not be placed into operation until certification has been received from the Commission.

11. Bilateral certification of equipment which in the past has been "certificated" based on measurements made on a prototype by the manufacturer, present no problem. The manufacturer will file an application and must receive certification prior to marketing. In the case of equipments which do not lend themselves to measurement (and certification) prior to shipment, bilateral certification will be applied by requiring the user to file an application based on measurements made "on-site" and to defer operation of the equipment (except for purposes of measurements for certification and other installation and acceptance tests as may be necessary) until certification has been received from the Commission. A separate proceeding dealing with Part 18 will be instituted to put this procedure into effect for ISM equipment.

NONASSIGNABILITY OF EQUIPMENT AUTHORIZATION

12. In order to establish responsibility for continued compliance over devices produced under an equipment authorization and to facilitate orderly administration in terms of who is producing what devices under which grant, it is obvious that the Commission cannot permit the free exchange, transfer or assignment of equipment authorizations. However, in recognition of customary commercial practices, the Commission realizes that a grantee of an equipment authorization may wish to augment his production capabilities through the use of one or more subsidiary contractors. Also, a particular grantee may wish to permit a second party manufacturer or vendor to produce and/or market the device using an established trade name. Accordingly, the Commission proposes to permit the licensing (or similar arrangements) of manufacturing or other commercial rights on the part of either equipment authorization grantee. Such licensing agreements may be effected subject only to notification of the agreement to the Commission and subsequent Commission approval of the arrangement. Two things, however, should be fully understood with respect to the above described arrangements: (1) The original grantee of the equipment authorization shall remain responsible to the Commission for the continued conformance of the equipment to the model reviewed by the Commission and shall exercise a high degree of diligence in assuring the quality control of such devices; and, (2) the device must be marketed under the name and model number submitted to the Commission in the original application. Any changes in the name or model number of the equipment from those designations originally specified by the applicant will necessitate the filing of a new application. The rules will also require notice to the Commission and resubmission of equipment authorization application in cases of a transfer of control of a grantee, as in the case of merger or absorption of the grantee by another entity. Such requirement will reestablish responsibility for the equipment in the new controlling party and inform such party of the duties and limitations accompanying a grant of equipment authorization. However such application shall not generally require the resubmission of prototype equipment or measurement data.

REVISION OF SUBSTANTIVE RULES

13. As noted before, the procedures herein proposed do not embrace changes in present technical standards; however, it is obvious that any new procedural rules adopted will necessitate concomitant revision or deletion of superseded requirements currently specified, and appropriate changes reflective of the rules adopted herein will be made in conformance therewith.

AVAILABILITY OF INFORMATION RELATING TO EQUIPMENT AUTHORIZATIONS

14. We are also proposing the amendment of § 0.457(d) of the rules which governs the disclosure of information submitted by the applicant or otherwise ascertained by the Commission in connection with applications for equipment authorizations. Currently, the rules provide that technical data submitted with such applications and Commission laboratory tests on the equipment are not routinely available for inspection, except as such data is set out in the Radio Equipment Lists issued periodically by the Commission. Disclosure of such information now requires a persuasive showing as to the reasons for inspection of such data in accordance with § 0.461. Thus, the data involved have been maintained on a confidential basis.

15. However, consistent with the "Freedom of Information Act" (5 U.S.C. sec. 552) and recent court interpretations thereunder, the proposed revision of § 0.457(d) provides that applications for equipment authorizations and related materials will not be routinely available for public inspection prior to the effective date of the authorization. Following the effective date of the authorization, such applications and related materials (including technical specifications and test measurements) would be routinely available for inspection, unless a request for nondisclosure showing that the materials contain trade secrets or like matters is submitted with the materials. (See proposed § 0.457(d)(2).) The effective date of the authorization will, upon request, be deferred to a date no earlier than that specified by the applicant.

16. Under the proposed rule, an applicant for an equipment authorization for a new device is assured that its existence and design will not be disclosed from Commission records prior to the authorization date specified by the applicant. Note that the proposed rule applies to the application and all related materials and not merely to technical data submitted by the applicant. Note further, that the marketing of such equipment without authorization is prohibited (47 CFR 2.801 et seq.) and that the manufacturer, by specifying an effective date for the authorization which coincides with commencement of his marketing activities, can preserve his competitive position. Premarketing information clearly falls within the trade secret category, and a general provision guarding against disclosure at this stage is clearly justified.

17. The situation changes materially, however, when the equipment is offered for sale. At such time, the equipment itself (usually with specifications, circuit diagrams, operating instructions, etc.) becomes available to the general public including competitors. Its existence is known and its design can be determined. At this stage it becomes much less clear that Commission records relating to such equipment should be maintained on a confidential basis or that the information they contain comes within the trade secret category. It is at this stage, moreover, that prospective purchasers of the equipment or others could become interested in inspecting the technical data relating to the authorization; and, unless such data does, in fact, fall within the trade secret category, such persons are entitled to have the information routinely available for inspection.[5] We have concluded, therefore, subject to comments on the proposed rule, that a general rule limiting inspection at the postgrant stage is inappropriate and that the maintenance of records on a confidential basis at this stage should be limited to those instances in which the applicant demonstrates that records pertaining to a particular equipment authorization should not, under 5 U.S.C. section 552(b)(4), be routinely available for inspection.

18. While we have hereinabove discussed a number of the principal aspects of our proposed revision, we would point out that the proposed rules themselves contain considerable detail not expounded upon in the preceding paragraphs. It is therefore urged that persons directly affected by these revisions review the proposals in their totality. Needless to say, it is primarily through the informed views of industry and other concerned members of the general public that we can formulate helpful and realistic procedures.

19. Accordingly, the comments and suggestions of all interested persons are invited on or before December 30, 1971, and reply comments on or before January 17, 1972. In reaching its decision in this matter, the Commission may also consider any other information before it in addition to the foregoing comments and suggestions.

20. Responses will be available for public inspection during regular business

[5] Though the type of data submitted is normally of little value to a prospective purchaser, he is nevertheless entitled to inspect it.

hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C.

21. The proposed amendments and additions to the rules are issued pursuant to authority contained in sections 4(i), 302, and 303(r) of the Communications Act of 1934, as amended.

22. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all comments, replies, pleadings, briefs, or other documents filed in this proceeding shall be furnished the Commission.

Adopted: November 24, 1971.

Released: December 3, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[6]

[SEAL] BEN F. WAPLE,
Secretary.

PART 0—COMMISSION ORGANIZATION

1. In Part 0 of Chapter I of Title 47 of the Code of Federal Regulations, that portion of § 0.457(d) preceding the "Note" is revised to read as follows:

§ 0.457 Records not routinely available for inspection.

* * * * *

(d) *Trade secrets and commercial or financial information obtained from any person and privileged or confidential, 5 U.S.C. 552(b)(4) and 18 U.S.C. 1905.* Section 552(b)(4) is specifically applicable to trade secrets and commercial or financial information but is not limited to such matters. Under this provision, the Commission is authorized to withhold from public inspection materials which would be privileged as a matter of law if retained by the person who submitted them and materials which would not customarily be released to the public by that person, whether or not such materials are protected from disclosure by a privilege. See, Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act, June 1967, at pages 32–34.

(1) The materials listed in this subparagraph have bene accepted, or are being accepted, by the Commission on a confidential basis pursuant to 5 U.S.C. 552(b)(4). To the extent indicated in each case, the materials are not routinely available for public inspection. If the protection afforded is sufficient, it is unnecessary for persons submitting such materials to submit therewith a request for nondisclosure pursuant to § 0.459. A persuasive showing as to the reasons for inspection will be required in requests for inspection of such materials submitted under § 0.461.

(i) Financial reports submitted by licensees of broadcast stations pursuant to § 1.611 of this chapter or by radio and television networks are not routinely available for public inspection.

(ii) Applications for equipment authorizations (type acceptance, type approval, or certification), and materials relating to such applications, are not routinely available for public inspection prior to the effective date of the authorization. The effective date of the authorization will, upon request, be deferred to a date no earlier than that specified by the applicant. Following the effective date of the authorization, the application and related materials (including technical specifications and test measurements) will be made available for inspection upon request.

(iii) Financial reports submitted for CATV systems pursuant to § 74.1124 of this chapter.

(2) Prior to July 4, 1967, the rules and regulations provided that certain materials submitted to the Commission would not be made available for public inspection or provided assurance, in varying degrees, that requests for nondisclosure of certain materials would be honored. See, e.g., 47 CFR (1966 ed.) 0.417, 2.557, 5.204, 5.255, 15.70, 21.406, 81.506, 83.436, 87.153, 89.215, 91.208, 91.605, and 93.208. Materials submitted under these provisions are not routinely available for public inspection. To the extent that such materials were accepted on a confidential basis under the then existing rules, they are not routinely available for public inspection. The rules cited in this subparagraph were superseded by the provisions of this paragraph, effective July 4, 1967.

(i) Unless the materials to be submitted are listed in subparagraph (1) of this paragraph and the protection thereby afforded is adequate, it is important for any person who submits materials which he wishes withheld from public inspection under 5 U.S.C. 552(b)(4) to submit therewith a request for nondisclosure pursuant to § 0.459. If it is shown in the request that the materials contain trade secrets or commercial, financial or technical data which would customarily be guarded from competitors, the materials will not be made routinely available for inspection; and a persuasive showing as to the reasons for inspection will be required in requests for inspection submitted under § 0.461. In the absence of a request for nondisclosure, the Commission may, in the unusual instance, determine on its own motion that the materials should not be routinely available for public inspection. Ordinarily, however, in the absence of such a request, materials which are submitted will be made routinely available for inspection, even though some question may be present as to whether they contain trade secrets or like matter.

* * * * *

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

2. Part 2 of Chapter I of Title 47 of the Code of Federal Regulations is revised by deleting Subpart F, showing it as [Reserved], and adding a new Subpart J to read as follows:

Subpart J—Equipment Authorization Procedures Type Approval; Type Acceptance; Certification

GENERAL PROVISIONS

APPLICATION PROCEDURES

CONDITIONS ATTENDANT TO EQUIPMENT AUTHORIZATION GRANTS

TYPE APPROVAL

TYPE ACCEPTANCE

CERTIFICATION

FILINGS FOR APPLICATION REFERENCE

[6] Commissioner Bartley dissenting; Commissioners Robert L. Lee and Reid absent.

Subpart J—Equipment Authorization Procedures Type Approval; Type Acceptance; Certification

GENERAL PROVISIONS

§ 2.901 Basis and purpose.

(a) In order to carry out its responsibilities under the Communications Act and the various treaties and international regulations, and in order to promote efficient use of the radio spectrum, the Commission has developed technical standards to facilitate the improvement of radio frequency devices and parts or components thereof. The technical standards applicable to individual types of equipment are found in that part of the rules governing the service wherein the equipment is to be operated. In addition to the technical standards provided, the rules governing the service may require that such equipment receive equipment authorization from the Commission by one of the following procedures: type approval, type acceptance, or equipment certification.

(b) The following sections describe the procedures to be followed in obtaining type approval, type acceptance or certification from the Commission and the conditions attendant to such a grant.

§ 2.903 Type approval.

(a) Type approval is an equipment authorization issued by the Commission based on examination and measurement of one or more sample units by the Commission at its laboratory.

(b) Type approval attaches to all units subsequently produced which are identical in all respects to the sample tested by the Commission or include only changes expressly authorized by the Commission.

§ 2.905 Type acceptance.

(a) Type acceptance is an equipment authorization issued by the Commission for equipment to be used pursuant to a station authorization. Type acceptance is based on representations and test data submitted by the applicant.

(b) The Commission may require the applicant to submit one or more sample units of of equipment for which type acceptance has been requested to its laboratory for further testing.

(c) Type acceptance attaches to all units subsequently produced which are identical to the sample tested except for permissive changes or other changes expressly authorized by the Commission.

§ 2.907 Certification.

(a) Certification is an equipment authorization issued by the Commission for certain equipment designed to be operated without individual license under Parts 15 and 18 of this chapter, based on representations and test data submitted by the applicant.

(b) The Commission may require the applicant to submit one or more sample units of equipment for which certification has been requested to its laboratory for further testing.

(c) Certification attaches to all units subsequently produced which are identical to the sample tested except for permissive changes or other changes expressly authorized by the Commission.

APPLICATION PROCEDURES

§ 2.909 Written application for equipment authorization.

(a) An application for equipment authorization shall be filed on a form prescribed by the Commission.

(b) Each application shall contain all information required by this subpart and by that part of the rules governing operation of the equipment and shall be accompanied by requisite test data, manuals, diagrams, etc., as specified in this subpart and in those sections of rules whereunder the equipment is to be operated.

(c) Each application, including amendments thereto, and related statements of fact required by the Commission, shall be personally signed by the applicant if the applicant is an individual; by one of the partners if the applicant is a partnership; by an officer, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association: *Provided, however,* That it will be sufficient if the application is signed by the head of an entity's engineering, technical, production, etc., department, with an indication of that representative's title, such as plant manager, etc.

(d) Technical test data shall be signed by the person who performed or supervised the tests who shall attest to the accuracy of such data and shall attach a brief statement of his qualifications. Subsequent filings of test data by such persons need only reference original applications wherein such qualifications are recited.

(e) The signatures of the applicant and the person certifying the test data shall be made personally by those persons on the original application; copies of such documents may be conformed. Signatures and certifications need not be made under oath.

§ 2.911 Filing fee.

Each application for equipment authorization shall be accompanied by the requisite filing fee prescribed in Subpart G of Part 1 of this chapter. Failure to submit the specified filing fee will result in a dismissal of the application.

§ 2.913 Grant fee.

Each grant of an equipment authorization is expressly conditioned upon payment of the requisite grant fee prescribed in Subpart G of Part 1 of this chapter. Failure to remit the specified grant fee within the time prescribed will result in recision of the equipment authorization; an equipment authorization which has been rescinded for failure to remit is considered void.

§ 2.915 Grant of application.

(a) The Commission will grant an application for type approval, type acceptance, or certification if it finds from an examination of such application and supporting data, or other matter which it may officially notice, that:

(1) The equipment is capable of complying with pertinent technical standards of the rule part(s) under which it is to be operated; and,

(2) A grant of the application would serve the public interest convenience and necessity.

(b) Grants will be made in writing showing the effective date of the grant and any special condition(s) attaching to the grant.

(c) Neither type approval, type acceptance nor certification shall attach to any equipment, nor shall any equipment authorization be deemed effective, until the application has been granted.

§ 2.917 Dismissal of applications.

(a) An application which is not in accordance with the provisions of this Subpart will be dismissed unless accompanied by an appropriate request for waiver of the rules.

(b) Any application, upon written request signed by the applicant or his attorney, may be dismissed prior to a determination granting or denying the authorization requested.

§ 2.919 Denial of application.

(a) If the Commission is unable to make the findings specified in § 2.915(a), it will deny the application. Notification of the denial will include a statement of the reasons for the denial.

(b) If an applicant is requested by the Commission to file any additional documents or information not specifically required by this subpart, a failure to comply with the request within the time, if any, specified by the Commission will result in the denial of such application.

§ 2.921 Hearing on applications.

Whenever it is determined that an application for equipment authorization presents substantial factual questions relating to the qualifications of the applicant or the equipment (or the effects of the use thereof), the Commission may designate the application for hearing. Hearings on equipment authorizations shall be conducted in the same manner as hearings on radio station applications. (See Subpart B of Part 1 of this chapter.)

§ 2.923 Petitions for reconsideration and applications for review.

Persons aggrieved by virtue of an equipment authorization action may file with the Commission a petition for reconsideration or an application for review. Rules governing the filing of petitions for reconsideration and applications for review are set forth in §§ 1.106 and 1.115, respectively, of this chapter.

§ 2.925 Identification of equipment.

(a) Each item of equipment for which an equipment authorization has been granted shall bear an identification plate or label containing the following information:

(1) Name of manufacturer (or trade name) as specified on the original application.

(2) Model number of equipment as specified on the original application. Such model number shall consist of a series of not more than 17 digits comprised of Arabic numerals, capital letters, punctuation marks or spaces.

(b) The identification plate or label shall be permanently and conspicuously affixed to the equipment so that it is readily visible by the user at the time of purchase, and remain visible without removal of the equipment from a normal position of installation.

(c) Following the grant of an equipment authorization, no change in the name of the manufacturer (or trade name) required on the identification plate, may be made except pursuant to the notification provisions of § 2.933.

(d) The foregoing identification shall be in addition to any other labeling requirements imposed by applicable sections of the rules governing the operation of the device.

CONDITIONS ATTENDANT TO EQUIPMENT AUTHORIZATION GRANTS

§ 2.927 Limitations on grants.

(a) A grant of an application for equipment authorization is effective until revoked or withdrawn, rescinded, surrendered, or a termination date is otherwise established by the Commission.

(b) A grant of an equipment authorization signifies that the Commission has determined that the equipment has been shown to be capable of compliance with the applicable technical standards if no unauthorized change is made in the equipment and if the equipment is properly maintained and operated. The issuance of an equipment authorization should not be construed as a finding by the Commission with respect to matters not encompassed by the Commission's rules.

(c) No person shall, in any advertising matter, brochure, etc., use or make reference to an equipment authorization in a deceptive or misleading manner or convey the impression that such equipment authorization reflects more than a Commission determination that the device or product has been shown to be capable of compliance with the applicable technical standards of the Commission's rules.

§ 2.929 Nonassignability of equipment authorizations.

Commission equipment authorizations may not be assigned, exchanged or in any other way transferred. However, commercial or production rights thereunder can be made available to another person by means of licensing (or similar) agreements: *Provided, however:*

(a) Each grantee of an equipment authorization shall, within 30 days after the execution of any such agreement, forward a copy of the agreement to the Commission.

(b) The original grantee shall continue to be responsible to the Commission for the equipment produced pursuant to such agreements.

(c) Equipment produced under such agreements must bear the name, and model number designated in the original application. Changes in the foregoing identification desired as a result of a production or marketing agreement will require the filing of an application as specified in § 2.933.

§ 2.931 Responsibility of grantee of equipment authorization.

(a) In accepting from the Commission a grant of an equipment authorization, a grantee warrants that each completed item of equipment will conform to the design and operational characteristics approved by the Commission.

(b) For each equipment item for which an equipment authorization has been issued, the grantee shall maintain a complete and current file and a complete and current record, including design drawings and specifications, and a complete and current record of production inspection and test procedures employed to ensure compliance with pertinent technical standards and conformance with the design and operational characteristics of the equipment originally approved. Such reports shall be retained for a period of 3 years after date on which manufacture of the equipment item is discontinued.

§ 2.933 Modification of equipment and changes in identification of equipment, name or control of an equipment authorization grantee.

(a) A change in any of the following matters will require the filing of a new equipment authorization application (and appropriate filing and grant fee):

(1) Design or construction of the device.

(NOTE: For specific details on equipment changes as regards particular types of equipment authorization. See § 2.967—type approval; § 2.1001—type acceptance; § 2.1041—certification).

(2) The identification data specified in § 2.925.

(3) Whenever there occurs a transfer of control of an equipment authorization grantee, such as in the case of sale or merger of the grantee.

(b) In the case of changes involving those matters specified in paragraphs (a) (1) and (2) of this section, application and approval of such changes must be obtained before such changes will be considered effective.

(c) In the case of transfers of control of an equipment authorization grantee not involving design or construction changes of a device (paragraph (a) (1) of this section) or equipment identification name and model number (paragraph (a) (2) of this section), notice of such transfer must be received by the Commission no later than 60 days subsequent to the consummation of the agreement effecting such changes. Such notice shall be accompanied by a new application for equipment authorization for each device held by the predecessor in interest.

(d) Applications for an equipment authorization necessitated by any of the changes set forth in paragraphs (a) (2) and (3) of this section need not be accompanied by a resubmission of equipment or measurement or test data customarily required with a new application unless specifically requested by the Commission. It will be sufficient if such application is accompanied by requisite identification and descriptive data including wiring diagrams, photos, or other descriptive data required by this subpart or that part of this chapter under which the equipment is operated.

§ 2.935 FCC inspection.

Upon the request of the Commission, each grantee of an equipment authorization shall, upon reasonable request, submit certain devices to the laboratory or otherwise make available for inspection:

(a) Any device in its possession for which an equipment authorization has been granted;

(b) The grantee's compliance control procedure, inspection, and test data, and materials and testing devices;

(c) The manufacturing plant and facilities;

(d) The technical data files on that article specified in § 2.931(b); and

(e) The sales and marketing records pertaining to the device for the previous 3 years.

§ 2.937 Equipment defects.

When a complaint of interference or service difficulty or of any other nature is filed with the Commission alleging that a device marketed or operated under an equipment authorization fails to comply with pertinent Commission requirements, the Commission may require the grantee to investigate such complaint and report the results of this investigation to the Commission. Such report shall also indicate what action if any, has been taken or is proposed to be taken by the grantee to correct the defect, both in terms of future production and with reference to articles in the possession of users, sellers, and distributors.

§ 2.939 Revocation or withdrawal of equipment authorization.

(a) The Commission may revoke any equipment authorization:

(1) For false statements or representations knowingly made either in the application or in materials or response submitted in connection therewith or in records required to be kept by § 2.931(b) or § 2.935(e).

(2) If upon subsequent inspection or operation it is determined that the equipment does not conform to the pertinent technical requirements or to the representations made in the original application.

(3) If it is determined that changes have been made in the equipment other than those authorized by the rules or otherwise expressly authorized by the Commission.

(4) Because of conditions coming to the attention of the Commission which

would warrant it in refusing to grant an original application.

(b) Revocation of an equipment authorization shall be made in the same manner as revocation of radio station licenses. (See §§ 1.91 and 1.92 of this chapter.)

(c) The Commission may withdraw any equipment authorization in the event of changes in its technical standards. The procedure to be followed will be set forth in the order promulgating such new technical standards after appropriate rule making proceedings.

§ 2.941 Availability of information relating to grants.

(a) Grants of equipment authorizations will be publicly announced in a timely manner by the Commission.

(b) The Commission maintains lists of equipment for which it has granted type approval, type acceptance and equipment certification. These lists are available for public inspection at each of the Commission's Field Offices, and in Washington, D.C., and in the Office of the Chief Engineer.

(c) Information relating to equipment authorizations such as data submitted by the applicant in connection with an authorization request, laboratory tests of the device, staff evaluations, etc., shall be available in accordance with § 0.457 of this chapter.

TYPE APPROVAL

§ 2.961 Cross reference.

The general provisions of this subpart, § 2.901 et seq., shall apply to applications for and grants of type approval.

§ 2.963 Application for type approval.

Each application for type approval shall contain the following information.

(a) The part(s) and section(s) of the rules under which type approval is desired and the information specifically required by such part(s) and section(s).

(b) A technical description of the equipment including the operating frequency, power and other pertinent specifications.

(c) Circuit diagrams, operating instruction manuals, and other descriptive literature pertaining to the equipment to be tested.

(d) A statement as to whether quantity (more than one) production of the equipment is planned.

(e) The weight and dimensions of each major component part of the equipment.

§ 2.965 Submission of equipment for type approval.

If an application for type approval is accepted by the Commission, the applicant will be instructed when to ship the equipment to be tested, to Laboratory Division, Federal Communications Commission, Laurel, Md. 20810, shipping cost prepaid. After action has been taken on the application, the equipment will be returned to the applicant, shipping cost collect.

§ 2.967 Changes in type approved equipment.

(a) A grant of type approval is effective only for that model of equipment which has received a type approval number from the Commission. Any mechanical or electrical change whatsoever in type approved equipment will require a new type approval application and grant.

TYPE ACCEPTANCE

§ 2.981 Cross reference.

(a) The general provisions of this subpart, § 2.901 et seq., shall apply to applications for and grants of type acceptance.

§ 2.983 Application for type acceptance.

An application for type acceptance shall be filed on FCC Form 723 and shall include the following information either in answer to the questions on the form or as attachments thereto.

(a) Name of applicant indicating whether the applicant is the manufacturer of the equipment, a vendor other than the manufacturer (include the name of manufacturer), a licensee or a prospective licensee.

(b) Identification of equipment for which type acceptance is sought.

(c) Information whether quantity (more than one) production is planned.

(d) Technical description of the equipment sufficiently complete to develop all the factors concerning compliance with the technical standards of the applicable rule part(s). The description shall include the following items:

(1) Type or types of emission.

(2) Frequency range.

(3) Range of operating power values or specific operating power levels, and description of any means provided for variation of operating power.

(4) Maximum power rating as defined in the applicable part(s) of the rules.

(5) The d.c. voltages applied to and d.c. currents into the several elements of the final radiofrequency amplifying device for normal operation over the power range.

(6) Function of each electron tube or semiconductor or other active circuit device.

(7) Complete circuit diagrams.

(8) Instruction books (with type acceptance application, or when available).

(9) Tune-up procedure over the power range, or at specific operating power levels.

(10) A description of all circuitry and devices provided for determining and stabilizing frequency.

(11) A description of any circuits or devices employed for suppression of spurious radiation, for limiting modulation, and for limiting power.

(e) The data required by §§ 2.985 through 2.997, inclusive, measured in accordance with the procedures set out in § 2.999.

(f) A photograph or drawing of the equipment name plate showing the information to be placed thereon.

(g) Photographs (8" x 10") of the equipment, of sufficient clarity to reveal equipment construction and layout, including at least one view showing the control panel(s), including meters, if any, and labels for controls and meters and sufficient views of the internal construction to define component placement and chassis assembly. Insofar as these requirements are met by photographs or drawings contained in instruction manuals supplied with the type acceptance request, additional photographs are necessary only to complete the required showing.

§ 2.985 Measurements required: RF power output.

(a) For transmitters other than single sideband, independent sideband and controlled carrier radiotelephone, power output shall be measured at the rf output terminals when the transmitter is adjusted in accordance with the tune-up procedure to give the values of current and voltage on the circuit elements specified in § 2.983(d)(5). The electrical characteristics of the radiofrequency load attached to the output terminals when this test is made shall be stated.

(b) For single sideband, independent sideband, and single channel, controlled carrier radiotelephone transmitters the procedure specified in paragraph (a) of this section shall be employed and, in addition, the transmitter shall be modulated during the test as follows. In all tests, the input level of the modulating signal shall be such as to develop rated peak envelope power or carrier power, as appropriate, for the transmitter.

(1) Single sideband transmitters in the A3A or A3J emission modes—by two tones at frequencies of 400 Hz and 1800 Hz (for 3.0 kHz authorized bandwidth), or 500 Hz and 2100 Hz (3.5 kHz authorized bandwidth), or 500 Hz and 2400 Hz (for 4.0 kHz authorized bandwidth), applied simultaneously, the input levels of the tones so adjusted that the two principal frequency components of the radiofrequency signal produced are equal in magnitude.

(2) Single sideband transmitters in the A3H emission mode—by one tone at a frequency of 1500 Hz (for 3.0 kHz authorized bandwidth), or 1700 Hz (for 3.5 kHz authorized bandwidth), or 1900 Hz (for 4.0 kHz authorized bandwidth), the level of which is adjusted to produce a radiofrequency signal component equal in magnitude to the magnitude of the carrier in this mode.

(3) As an alternative to subparagraphs (1) and (2) of this paragraph other tones besides those specified may be used as modulating frequencies, upon a sufficient showing of need. However, any tones so chosen must not be harmonically related, the third and fifth order intermodulation products which obtain must fall within the —25 dB step of the emission bandwidth limitation curve, the seventh and ninth order intermodulation product must fall within the —35 dB step of the referenced curve and the eleventh and

all higher order products must fall beyond the −35 dB step of the referenced curve.

(4) Independent sideband transmitters having two channels—by 1700 Hz tones applied simultaneously in both channels, the input levels of the tones so adjusted that the two principal frequency components of the radiofrequency signal produced are equal in magnitude.

(5) Independent sideband transmitters having more than two channels—by an appropriate signal or signals applied to all channels simultaneously. The input signal or signals shall simulate the input signals specified by the manufacturer for normal operation.

(6) Single-channel controlled-carrier transmitters in the A3 emission mode—by a 2500 cps tone.

(c) For measurements conducted pursuant to paragraphs (a) and (b) of this section, all calculations and methods used by the applicant for determining carrier power or peak envelope power, as appropriate, on the basis of measured power in the radiofrequency load attached to the transmitter output terminals shall be shown. Under the test conditions specified, no components of the emission spectrum shall exceed the limits specified in the applicable rule parts as necessary for meeting occupied bandwidth or emission limitations.

§ 2.987 Measurements required: Modulation characteristics.

(a) Voice modulated communication equipment: A curve or equivalent data showing the frequency response of the audio modulating circuit over a range of 100 to 5000 cps shall be submitted. For equipment required to have an audio low-pass filter, a curve showing the frequency response of the filter, or of all circuitry installed between the modulation limiter and the modulated stage shall be submitted.

(b) Equipment which employs modulation limiting: A curve or family of curves showing the percentage of modulation versus the modulation input voltage shall be supplied. The information submitted shall be sufficient to show modulation limiting capability throughout the range of modulating frequencies and input modulating signal levels employed.

(c) Single sideband and independent sideband radiotelephone transmitters which employ a device or circuit to limit peak envelope power: A curve showing the peak envelope power output versus the modulation input voltage shall be supplied. The modulating signals shall be the same in frequency as specified in paragraph (c) of § 2.989 for the occupied bandwidth tests.

(d) Other types of equipment: A curve or equivalent data which shows that the equipment will meet the modulation requirements of the rules under which the equipment is to be licensed.

§ 2.989 Measurement required: Occupied bandwidth.

The occupied bandwidth, that is the frequency bandwidth such that, below its lower and above its upper frequency limits, the mean powers radiated are each equal to 0.5 percent of the total mean power radiated by a given emission shall be measured under the following conditions as applicable:

(a) Radiotelegraph transmitters for manual operation when keyed at 16 dots per second.

(b) Other keyed transmitters—when keyed at the maximum machine speed.

(c) Radiotelephone transmitters equipped with a device to limit modulation or peak envelope power shall be modulated as follows. For single sideband and independent sideband transmitters, the input level of the modulating signal shall be 10 dB greater than that necessary to produce rated peak envelope power.

(1) Other than single sideband or independent sideband transmitters—when modulated by a 2500 cps tone at an input level 16 dB greater than that necessary to produce 50 percent modulation. The input level shall be established at the frequency of maximum response of the audio modulating circuit.

(2) Single sideband transmitters in A3A or A3J emission modes—when modulated by two tones at frequencies of 400 Hz and 1800 Hz (for 3 kHz authorized bandwidth), or 500 Hz and 2100 Hz (for 3.5 kHz authorized bandwidth), or 500 Hz and 2400 Hz (for 4 kHz authorized bandwidth), applied simultaneously. The input levels of the tones shall be so adjusted that the two principal frequency components of the radio frequency signal produced are equal in magnitude.

(3) Single sideband transmitters in the A3H emission mode—when modulated by one tone at a frequency of 1500 Hz (for 3 kHz authorized bandwidth), or 1700 Hz (for 3.5 kHz authorized bandwidth), or 1900 Hz (for 4 kHz authorized bandwidth), the level of which is adjusted to produce a radiofrequency signal component equal in magnitude to the magnitude of the carrier in this mode.

(4) As an alternative to subparagraphs (2) and (3) of this paragraph, other tones besides those specified may be used as modulating frequencies, upon a sufficient showing of need. However, any tones so chosen must not be harmonically related, the third and fifth order intermodulation products which obtain must fall within the −25 dB step of the emission bandwidth limitation curve, the seventh and ninth order products must fall within the −35 dB step of the referenced curve and the 11th and all higher order products must fall beyond the −35 dB step of the referenced curve.

(5) Independent sideband transmitters having two channels—when modulated by 1,700 Hz tones applied simultaneously to both channels. The input levels of the tones shall be so adjusted that the two principal frequency components of the radio frequency signal produced are equal in magnitude.

(d) Radiotelephone transmitters without a device to limit modulation or peak envelope power shall be modulated as follows. For single sideband and independent sideband transmitters, the input level of the modulating signal should be that necessary to produce rated peak envelope power.

(1) Other than single sideband or independent sideband transmitters—when modulated by a 2500 cps tone of sufficient level to produce at least 85 percent modulation. If 85 percent modulation is unattainable, the highest percentage modulation shall be used.

(2) Single sideband transmitters in A3A or A3J emission modes—when modulated by two tones at frequencies of 400 Hz and 1800 Hz (for 3 kHz authorized bandwidth), or 500 Hz and 2100 Hz (for 3.5 kHz authorized bandwidth), or 500 Hz and 2400 (for 4 kHz authorized bandwidth), applied simultaneously. The input levels of the tones shall be so adjusted that the two principal frequency components of the radio frequency signal produced are equal in magnitude.

(3) Single sideband transmitters in the A3H emission mode—when modulated by one tone at a frequency of 1500 Hz (for 3 kHz authorized bandwidth), or 1,700 Hz (for 3.5 kHz authorized bandwidth), or 1900 Hz (for 4 kHz authorized bandwidth), the level of which is adjusted to produce a radio frequency signal component equal in magnitude to the magnitude of the carrier in this mode.

(4) As an alternative to subparagraphs (2) and (3) of this paragraph, other tones besides those specified may be used as modulating frequencies, upon a sufficient showing of need. However, any tones so chosen must not be harmonically related, the third and fifth order intermodulation products which obtain must fall within the −25 dB step of the emission bandwidth limitation curve, the seventh and ninth order products must fall within the −35 dB step of the referenced curve and the 11th and all higher order products must fall beyond the −35 dB step of the referenced curve.

(5) Independent sideband transmitters having two channels—when modulated by 1700 Hz tones applied simultaneously to both channels. The input levels of the tones shall be so adjusted that the two principal frequency components of the radio frequency signal produced are equal in magnitude.

(e) Transmitters for use in the Radio Broadcast Services.

(1) Standard broadcast transmitters—when modulated 85 percent by a 7500 c.p.s. input signal.

(2) FM broadcast transmitter not used for multiplex operation—when modulated 85 percent by a 15 kHz input signal.

(3) FM broadcast transmitters for multiplex operation under Subsidiary Communication Authorization (SCA)—when the carrier is modulated 70 percent by a 15 kHz main channel input signal, and modulated an additional 15 percent simultaneously by a 67 kHz subcarrier (unmodulated).

(4) FM broadcast transmitter for stereophonic operation—when modulated by a 15 kHz input signal to the main channel, a 15 kHz input signal to the

stereophonic subchannel, and the pilot subcarrier simultaneously. The input signals to the main channel and stereophonic subchannel each shall produce 38 percent modulation of the carrier. The pilot subcarrier should produce 9 percent modulation of the carrier.

(5) Television broadcast aural transmitters—when modulated 85 percent by a 15 kHz input signal.

(f) Transmitters in which the modulating baseband comprises more than three independent channels—when modulated with a test signal consisting of a band of random noise extending continuously from below 20 kHz to the highest frequency in the baseband. The level of the test signal shall be adjusted to provide rms modulation which is 22.4 percent of the full rated peak modulation of the transmitter. The test signal shall be applied through any preemphasis networks used in normal service.

(g) Transmitters in which the modulating baseband comprises not more than three independent channels—when modulated by the full complement of signals for which the transmitter is rated. The level of modulation for each channel should be set to that prescribed in rule parts applicable to the services for which the transmitter is intended. If specific modulation levels are not set forth in the rules, the tests should provide the manufacturer's maximum rated condition.

(h) Transmitters designed for other types of modulation—when modulated by an appropriate signal of sufficient amplitude to be representative of the type of service in which used. A description of the input signal should be supplied.

§ 2.991 Measurements required: Spurious emissions at antenna terminals.

The radiofrequency voltage or powers generated within the equipment and appearing on a spurious frequency shall be checked at the equipment output terminals when properly loaded with a suitable artificial antenna. Curves or equivalent data shall show the magnitude of each harmonic and other spurious emission that can be detected when the equipment is operated under the conditions specified in § 2.989 as appropriate. The amplitude of spurious emissions which are attenuated more than 20 db below the permissible value need not be shown.

§ 2.993 Measurements required: Field strength of spurious radiation.

(a) Measurements shall be made to detect spurious emissions that may be radiated directly from the cabinet, control circuits, power leads, or intermediate circuit elements under normal conditions of installation and operation. Curves or equivalent data shall be supplied showing the magnitude of each harmonic and other spurious emission. For this test, single sideband, independent sideband, and controlled carrier transmitters shall be modulated under the conditions specified in paragraph (c) of this section, as appropriate. For equipment operating on frequencies below 890 MHz, an open field test is normally required, with the measuring instrument antenna located in the far-field at all test frequencies. Sufficient information shall be included with the test data to permit determination of the relative radiated power of each spurious emission with reference to the radiated mean output power of the transmitter, assuming all emissions are radiated from half-wave dipole antennas.

(b) The measurements specified in paragraph (a) of this section shall be made for the following equipment:

(1) Those in which the spurious emissions are required to be 60 db or more below the mean power of the transmitter.

(2) All equipment operating on frequencies higher than 25 MHz.

(3) All equipment where the antenna is an integral part of, and attached directly to the transmitter.

(4) Other types of equipment as required, when deemed necessary by the Commission.

§ 2.995 Measurements required: Frequency stability.

(a) Measure the frequency stability with variation of ambient temperature as follows:

(1) From −30° to +50° centigrade for all equipment except that specified in subparagraphs (2) and (3) of this paragraph.

(2) From −20° to +50° centigrade for equipment to be licensed for use in the Maritime Services under Parts 81 and 83 of this chapter and equipment to be licensed for use above 952 MHz at Operational Fixed Stations in all services, stations in the local Television Transmission Service and Point-to-Point Microwave Radio Service under Part 21 of this chapter.

(3) From 0° to +50° centigrade for equipment to be licensed for use in the Radio Broadcast Services under Part 73 of this chapter.

(b) Frequency measurements shall be made at the extremes of the specified temperature range and at intervals of not more than 10° C. through the range. A period of time sufficient to stabilize all of the components of the oscillator circuit at each temperature level shall be allowed prior to frequency measurement. The short term transient effects on the frequency of the transmitter due to keying (except for broadcast transmitters) and any heating element cycling normally occurring at each ambient temperature level also shall be shown. Only the portion or portions of the transmitter containing the frequency determining and stabilizing circuitry need be subjected to the temperature variation test.

(c) In addition to all other requirements of this section, the following information is required for equipment incorporating heater type crystal oscillators to be used in mobile stations, for which type acceptance is first requested after (effective date of rules), except for battery powered, hand carried, portable equipment having less than 3 watts mean output power.

(1) Measurement data showing variation in transmitter output frequency from a cold start and the elapsed time necessary for the frequency to stabilize within the applicable tolerance.

(2) Tests shall be made after temperature stabilization at each of the ambient temperature levels: the lower temperature limit, 0° C. and plus 30° C., with no primary power applied.

(3) Beginning at each temperature level specified in subparagraph (2) of this paragraph, the frequency shall be measured within 1 minute after application of primary power to the transmitter and at intervals of no more than 1 minute thereafter until 10 minutes have elapsed or until sufficient measurements are obtained to indicate clearly that the frequency has stabilized within the applicable tolerance, whichever time period is greater. During each test, the ambient temperature shall not be allowed to rise more than 10° C. above the respective beginning ambient temperature level.

(4) The elapsed time necessary for the frequency to stabilize within the applicable tolerance from each beginning ambient temperature level as determined from the tests specified in this paragraph shall be specified in the instruction book for the transmitter furnished to the user.

(5) When it is impracticable to subject the complete transmitter to this test because of its physical dimensions or power rating, only its frequency determining and stabilizing portions need be tested.

(d) Measure the frequency stability with variation of primary supply voltage as follows.

(1) Vary primary supply voltage from 85 to 115 percent of the normal value for other than handicapped battery equipment.

(2) For hand carried, battery powered equipment, reduce primary supply voltage to the battery operating end point which shall be specified by the manufacturer.

(3) The supply voltage shall be measured at the input to the cable normally provided with the equipment, or at the power supply terminals if cables are not normally provided. Effects on frequency of transmitter keying (except for broadcast transmitters) and any heating element cycling at the nominal supply voltage and at each extreme also shall be shown.

(e) When deemed necessary, the Commission may require tests of frequency stability under conditions in addition to those specifically set out in paragraphs (a), (b), (c), and (d) of this section. (For example measurements showing the effect of proximity to large metal objects, or of various types of antennas, may be required for portable equipment.)

§ 2.997 Frequency spectrum to be investigated.

In all of the measurements set forth in §§ 2.991 and 2.993, the spectrum should be investigated from the lowest radio frequency generated in the equipment up to at least the 10th harmonic of the carrier frequency or to the highest frequency practicable in the present state of the art of measuring techniques, whichever is lower. Particular attention should be paid to harmonics and subharmonics of the

carrier frequency as well as to those frequencies removed from the carrier by multiples of the oscillator frequency. Radiation at the frequencies of multipler stages should also be checked. The amplitude of spurious emissions which are attenuated more than 20 db below the permissible value need not be reported.

§ 2.999 Measurement procedure.

The Commission may consider data which have been measured in accordance with established standards and measurement procedures as published by engineering societies and associations such as the Electronic Industries Association, the Institute of Electrical and Electronics Engineers, Inc., and the American National Standards Institute. Specific reference should be made to the standard(s) used. If a published standard is not used, the applicant shall submit a detailed description of the measurement procedure actually used. In either case, he shall submit a listing of the test equipment used.

§ 2.1001 Changes in type accepted equipment.

(a) Equipment of the same type is defined for the purposes of type acceptance as being equipment which is electrically and mechanically interchangeable. In addition, transmitters of the same type will have the same basic tube or semiconductor line up, frequency multiplication, basic frequency determining and stabilizing circuitry, basic modulator circuit and maximum power rating.

(b) Permissive changes may be made in type accepted equipment without requiring a new type acceptance application and grant. Permissive changes include only those modifications in the equipment which do not change the equipment characteristics beyond the rated limits established by the manufacturer and accepted by the Commission when type acceptance is granted, and which do not change the type of equipment as defined in paragraph (a) of this section.

(c) Changes in type accepted equipment, except permissive changes as set forth in paragraph (b) of this section, will require a new type acceptance application and grant.

(d) Where a new application and grant is required because of changes in the equipment, an application requesting such changes shall be submitted in the same manner as an original application, and shall be accompanied by the fee prescribed for the original application.

(e) If the Commission authorizes the change requested, it may require the assignment of a new type number.

(f) Users shall not modify their own equipment except as provided by paragraph (b) of this section.

CERTIFICATION

§ 2.1031 Cross reference.

(a) The general provisions of this subpart, § 2.901 et seq., shall apply to applications for and grants of equipment certification.

§ 2.1033 Application for certification.

An application for certification shall be filed on FCC Form 722 and shall include the following information either in answer to the questions on the form or as attachment thereto:

(a) Specify the part(s) and section(s) of the rules under which certification is desired and include all information required by such part(s) and section(s).

(b) Specify the general purposes for which the equipment is to be used and the conditions under which it is intended to be operated.

(c) Specify whether quantity (more than one) production is planned.

(d) Photographs, 8" x 10" in size, of the equipment of sufficient clarity to reveal equipment construction and layout, including at least one view showing the front panel, and sufficient views of the internal construction to define component placement and chassis assembly. Insofar as these requirements are met by photographs or drawings contained in instruction manuals supplied with the application, additional photographs are necesary only to complete the required showing. Each photograph shall be labeled on the back with the name of the applicant and the model number of the equipment as specified in the application.

(e) A report of measurements to demonstrate that the device complies with the applicable technical specifications.

§ 2.1035 Onsite certification.

(a) Certain equipments, as specified in Parts 15 and 18 of this chapter may be certified on the basis of measurements made at the site where the equipment is installed for operation. Applications for such certification shall be made on the prescribed form and include all information required by that section(s) of the rules under which the device is to be operated.

(b) Operation of a device permitting onsite installation certification shall not commence prior to receipt of certification from the Commission, except as such operation may be necessary to make application test measurements.

§ 2.1037 Plant certification.

(a) Part 18 of this chapter provides for the certification of entire plant treated as a single equipment. Applications for such certification shall be made on the prescribed form and include all information required by that section(s) of the rules under which the device is to be operated.

(b) Operation of ISM equipment under a plant certification shall not commence prior to receipt of certification from the Commission, except as such operation may be necessary to make application test measurements.

§ 2.1039 Measurement procedure.

The measurement procedures are specified in the rules governing the particular device for which certification is requested.

§ 2.1041 Changes in certificated equipment.

(a) Changes may be made in equipment for which certification has been granted provided such change does not affect the characteristics required to be reported, and does not result in a change in trade name or model number.

(b) A change which results in a new trade name or new model number requires a new application for, and grant of certification.

(c) A change which affects the characteristics required to be reported requires a new application for, and grant of certification. The Commission may require such modified equipment to be identified with a new model number.

FILINGS FOR APPLICATION REFERENCE

§ 2.1051 Submission of technical information for application reference.

Applications for station authorization in some services require a detailed technical description of the equipment proposed to be used. In order to simplify the preparation and processing of applications by eliminating the need for the submission of equipment specifications with each application, the Commission will accept for application reference purposes detailed technical specifications of equipment designed for use in these services. Manufacturers desiring to avail themselves of this procedure should submit all information required by the application forms and the rules for the services in which the equipment is to be used. Applications for station authorizations submitted subsequent to such filing may refer to the technical information so filed.

§ 2.1053 Disclaimer re technical information filed for application reference.

Receipt by the Commission of data for application purposes does not imply that the Commission has made or intends to make any finding regarding the acceptability of the equipment for licensing and such equipment will not be included on the list of equipment acceptable for licensing. Each applicant is expected to exercise appropriate care in the selection of equipment to insure that the unit selected will comply with the rules governing the service in which it is proposed to operate.

§ 2.1055 Identification and changes in equipment information filed for application reference.

(a) Each type of equipment, for which information is filed for application reference purposes, shall be identified by a type number assigned by the manufacturer of the equipment. The type number shall consist of a series of not more than a total of 17 digits, letters, punctuation marks, and spaces. Roman numerals shall not be used. The type number shall be shown on a name plate affixed in a conspicuous place to such equipment.

(b) If the assignment of a different type number is required as a result of

equipment modification, a new name plate bearing the new type number shall be affixed to the modified equipment.

[FR Doc.71-17946 Filed 12-7-71;8:51 am]

[47 CFR Parts 2, 15]

[Docket No. 19357; FCC 71-1195]

IDENTIFICATION OF RF DEVICES

Notice of Proposed Rule Making

In the matter of amendment of Part 2 of the Commission's rules to prescribe regulations governing the identification of RF devices being marketed, Docket No. 19357.

1. Public Law 90-379, 82 Stat. 290, approved July 5, 1968, amended the Communications Act of 1934, as amended, by adding a new section 302 (47 U.S.C. section 302) entitled "Devices Which Interfere with Radio Reception," authorizes the Commission to "make reasonable regulations governing the interference potential of devices which in their operation are capable of emitting radio frequency energy by radiation, conduction or other means in sufficient degree to cause harmful interference to radio communications." Pursuant to the foregoing authority, the Commission instituted rulemaking proceedings in Docket No. 18426 and on May 18, 1970, adopted marketing rules,[1] now set forth as sections 2.801, et seq. (Part 2, Subpart I), which govern the sale, lease, offer for sale or lease, importation, shipment or distribution of RF devices for which equipment authorization requirements or technical standards exist. The notice of proposed rule making in Docket No. 18426 (FCC 69-53, 34 F.R. 1057), indicated that the marketing regulations to be adopted were "* * * designed as an initial step in the implementation of this new statute [section 302]," and this rule making is a further manifestation of the Commission's implementation activity.

2. As noted above, the strictures adopted as § 2.801 et seq. of the Commission's rules proscribe the marketing of RF devices for which type approval, type acceptance or certification is required unless such equipment authorization has been acquired from the Commission. See § 2.803. Section 2.805 requires compliance with any technical standards promulgated by the Commission before such RF devices may be marketed. Because of the number and variety of devices within the purview of §§ 2.803, 2.805, and in recognition of the general unfamiliarity of most persons with the technical compliance aspects of RF devices (especially where the rules do not call for type approval, type acceptance, or certification and appropriate labeling of each device), it is necessary to provide a method by which RF devices can be identified as complying with applicable technical standards. At the present time, the only means available for a customs inspector to determine whether an imported RF device complies with Commission technical standards, assuming that he has first determined that the import is, in fact, an RF device for which technical standards have been established, is to communicate with the Commission as to the nature of each and every imported device and inquire as to compliance with pertinent standards. Similarly, intermediary dealers in RF devices as well as ultimate consumers have a real interest in some indication of compliance with Commission standards, since the former group may not trade in noncomplying devices while the latter group is prohibited from operating such equipment. Neither group can realistically be expected to know with certainty that a device accords with Commission technical standards (particularly in the absence of type acceptance, type approval, or certification requirements) unless the original purveyor of the equipment has so indicated.

3. In order to ensure that enforcement personnel, merchants, consumer-users and all other concerned parties are aware of the technical compliance aspects of an RF device, we propose to amend Subpart I of Part 2 of the Commission's rules to require the marking of both shipping and interior containers (including the individual device container) with a legend specifying compliance with applicable Commission technical standards. Such a requirement would not be unlike that currently imposed on suppliers of television receivers, pursuant to § 15.71(b) of the Commission's rules, whereby television receiver containers must indicate that the receiver accords with the Commission's all-channel tuner requirements. In fact, the universal requirement for an indication of compliance with applicable Commission technical specifications proposed herein would encompass the identification requirements pertaining to television receivers, thus obviating the need for the limited coverage afforded by § 15.71 (b). It is proposed, therefore, that § 15.71 (b) be deleted contemporaneously with the adoption of the proposed all-inclusive rule.

4. Accordingly, the comments and suggestions of all interested persons are invited on or before December 30, 1971, and reply comments on or before January 17, 1972. In reaching its decision in this matter, the Commission may also consider any other information before it in addition to the foregoing comments and suggestions.

5. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C.

6. The proposed amendments and additions to the rules are issued pursuant to authority contained in sections 4(i), 302, and 303(r) of the Communications Act of 1934, as amended.

7. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all comments, replies, pleadings, briefs, or other documents filed in this proceeding shall be furnished the Commission.

Adopted: November 24, 1971.

Released: November 30, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

Parts 2 and 15 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. New § 2.806 is added to Subpart I of Part 2 to read as follows:

§ 2.806 Marking of containers for radio frequency devices.

In the case of a radio frequency device, which in accordance with the rules in this chapter must be type approved, type accepted, certified or comply with specified technical standards prior to use, no person shall market any such radio frequency device unless the container in which it is shipped and all inner containers including the final container (e.g., box, carton, tube, wrapping, etc.) are clearly marked with the following: RF Device—This Equipment Complies With Applicable FCC Regulations.

PART 15—RADIO FREQUENCY DEVICES

§ 15.71 [Amended]

1. In § 15.71, the text of paragraph (b) is deleted and the word "[Reserved]" is inserted.

[FR Doc.71-17958 Filed 12-7-71;8:52 am]

[47 CFR Part 73]

[Dockets Nos. 16004, 18052]

FIELD STRENGTH CURVES AND MEASUREMENTS FOR FM AND TV BROADCAST STATIONS

Order Extending Time for Filing Reply Comments

In the matter of amendment of §§ 73.333 and 73.699, Field Strength Curves for FM and TV Broadcast Stations, Docket No. 16004; amendment of Part 73 of the rules regarding field strength measurements for FM and TV broadcast stations, Docket No. 18052.

1. The further notice of proposed rule making in the above entitled proceeding was adopted on April 14, 1971, and published in the FEDERAL REGISTER on April 23, 1971 (36 F.R. 7689). The date for filing comments has expired and the date

[1] 35 F.R. 7894, 23 FCC 2d 79 (effective Oct. 1, 1970).

[2] Commissioners Robert E. Lee and Reid absent.

for filing reply comments is presently November 29, 1971.

2. On November 19, 1971, McKenna, Wilkinson & Kittner (McKenna), a law firm which filed comments in this proceeding on behalf of 14 UHF television stations, filed a request for extension to and including December 29, 1971, in which to file reply comments. McKenna states that the most serious impact resulting from the proposed new television curves will occur in the area of applying the Commission's CATV rules in determining carriage and nonduplication protection rights of television stations. McKenna further states that preparation of reply comments has been somewhat complicated by the fact that the Commission's adoption of the new CATV rules are in a state of flux and the subject of debate and compromise between representatives of the television broadcast and CATV industries and that the latest compromise concerning the proposed CATV rules between the National Cable Television Association and the National Association of Broadcasters was not reached until November 11, 1971, and has not yet received the formal approval of the Commission.

3. We are of the view that the additional time requested is warranted and would serve the public interest. *Accordingly, it is ordered,* That the time for filing reply comments in this joint proceeding is extended to and including December 29, 1971.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: November 23, 1971.

Released: November 24, 1971.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.71-17959 Filed 12-7-71;8:52 am]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Pay Board Ruling 1971–1]

CORPORATE FISCAL YEAR ACCOUNTING

Pay Board Ruling

Facts. For the purposes of filing income tax returns, preparing financial statements, and its general business operations, Corporation X maintains its books and records according to a fiscal year ended December 31st. On November 14, 1971, Phase II of the Economic Stabilization Act of 1970 became operative.

Issue. Whether or not Corporation X must change from a fiscal year ended December 31st to a fiscal year ended November 13th.

Ruling. Corporation X may continue to maintain its books and records on the basis of a fiscal year ended December 31st. Although November 14, 1971, is a reference date or starting point which may, in certain instances, be determinative of whether the wage standard of 5.5 percent and other requirements may be operative with respect to the granting and implementation of certain pay adjustments, there is no mandate in the Act or the regulations that the fiscal year of Corporation X be changed to end on November 13th. Moreover, this same rule would apply regardless of what date the fiscal year of Corporation X ended upon. Further, it is to be noted that the "fiscal year" referred to in this ruling is intended to mean a period of 12 months.

This ruling has been approved by the General Counsel of the Pay Board.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

DECEMBER 2, 1971.

[FR Doc.71–17952 Filed 12–7–71;8:51 am]

DEPARTMENT OF THE INTERIOR

National Park Service

GRAND TETON NATIONAL PARK

Notice of Intention To Issue a Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Grand Teton National Park, proposes to issue a concession permit to Jackson Hole Ski Corp. authorizing them to provide concession facilities and services for the public at Grand Teton National Park for a period of five (5) years from January 1, 1972 through December 31, 1977.

The foregoing concessioners have performed their obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Grand Teton National Park, Post Office Box 67, Moose, WY 83012, for information as to the requirements of the proposed permit.

Dated: November 1, 1971.

BOYD EVISON,
Acting Superintendent,
Grand Teton National Park.

[FR Doc.71–17913 Filed 12–7–71;8:49 am]

GRAND TETON NATIONAL PARK

Notice of Intention To Issue a Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Grand Teton National Park, proposes to issue a concession permit to Teton Trail Rides authorizing it to provide concession facilities and services for the public at Grand Teton National Park for a period of 5 years from January 1, 1972 through December 31, 1977.

The foregoing concessioner has performed its obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Grand Teton National Park, Post Office Box 67, Moose, WY 83012, for information as to the requirements of the proposed permit.

Dated: November 1, 1971.

HOWARD H. CHAPMAN,
Superintendent,
Grand Teton National Park.

[FR Doc.71–17914 Filed 12–7–71;8:49 am]

GRAND TETON NATIONAL PARK

Notice of Intention To Issue a Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Grand Teton National Park, proposes to issue a concession permit to Exum Mountain Guide Service authorizing it to provide concession facilities and services for the public at Grand Teton National Park for a period of 5 years from January 1, 1972 through December 31, 1977.

The foregoing concessioner has performed its obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Grand Teton National Park, Post Office Box 67, Moose, WY 83012, for information as to the requirements of the proposed permit.

Dated: November 1, 1971.

HOWARD H. CHAPMAN,
Superintendent,
Grand Teton National Park.

[FR Doc.71–17915 Filed 12–7–71;8:49 am]

GRAND TETON NATIONAL PARK

Notice of Intention To Issue a Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Grand Teton National Park, proposes to issue a concession permit to Lee D. Hughs authorizing him to provide

concession facilities and services for the public at Fontenelle Reservoir, Wyo., an area administered by Grand Teton National Park for a period of 1 year from January 1, 1972, through December 31, 1972.

The foregoing concessioner has performed his obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Grand Teton National Park, Post Office Box 67, Moose, WY 83012, for information as to the requirements of the proposed permit.

Dated: November 1, 1971.

HOWARD H. CHAPMAN,
Superintendent,
Grand Teton National Park.

[FR Doc.71-17916 Filed 12-7-71;8:49 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 8]

SALES OF CERTAIN COMMODITIES

Monthly Sales List

The provisions of section 18 entitled "Grain Sorghum—Export Sales (Bulk-Basis Grade 2 or Better)" of the CCC Monthly Sales List for the fiscal year ending June 30, 1972, published in 36 F.R. 13044, are revised to read as follows:

CCC will sell grain sorghum at the export market price under Announcement GR-212.

Effective date: 2:30 p.m., November 30, 1971.

Signed at Washington, D.C., on December 1, 1971.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.71-17895 Filed 12-7-71;8:46 am]

Office of the Secretary

[Amdt. 8]

FEDERAL CROP INSURANCE CORPORATION

Organization, Functions, and Procedures

Former Part 400, Chapter IV, Title 7 (7 CFR 1946 Supp. 400; 7 CFR 1947 Supp. 400) as amended (33 F.R. 18450) is hereby revised and amended in its entirety to read as follows:

SUBPART A—ORGANIZATION

Sec.
1. Creation.
2. Stock.
3. Management.
4. Board of Directors.
5. Offices of the Corporation.
6. Availability of information and records.
7. Delegations of authority affecting crop insurance contracts.

SUBPART B—FUNCTIONS AND PROCEDURES

8. Crops insured.

SUBPART A—ORGANIZATION

SECTION 1. *Creation.* The Federal Crop Insurance Corporation was created February 16, 1938, by the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) and is an agency within the U.S. Department of Agriculture.

SEC. 2. *Stock.* All capital stock of the Federal Crop Insurance Corporation is owned by the United States.

SEC. 3. *Management.* The Management of the Federal Crop Insurance Corporation is vested in the Board of Directors, subject to the general supervision of the Secretary of Agriculture. The Manager of the Corporation is its chief executive officer, and he is appointed by and holds office at the pleasure of the Secretary of Agriculture. Under the general supervision of the Board, the Manager is responsible for the general direction and supervision of all activities of the Corporation.

SEC. 4. *Board of Directors.* The federal Crop Insurance Act provides that the Board of Directors shall consist of the Manager of the Corporation, two other persons employed in the Department of Agriculture, and two persons experienced in the insurance business who are not otherwise employed by the Government. The Board is appointed by and holds office at the pleasure of the Secretary of Agriculture.

SEC. 5. *Offices of the Corporation.* (a) Principal Office. The principal office of the Federal Crop Insurance Corporation is at Washington, D.C. 20250, in the South Agriculture Building. The principal office is composed of the Office of the Manager, three Assistant Manager's offices and six divisions.

(1) *Office of the Manager.* The Office of the Manager is composed of the Manager and his immediate staff, including a Deputy Manager. Within established policies and regulations, the Manager is responsible for the executive direction, coordination, and control of the Corporation's programs and activities, the determination of goals and objectives, and the approval of plans, methods and procedures proposed or used.

(2) *Office of the Assistant Manager, Corporate Service.* Collaborates with the Office of the Manager and the Board of Directors in formulating overall Corporation policies. Formulates and directs a coordinated actuarial/underwriting, Research and Development, and National Service program; including developing and revising contracts, coverages, premium rates, legislative proposals and related regulations and dockets.

The two divisions and the National Service Office and the functions which they perform, within established policies and regulations and subject to the direction of the Assistant Manager, Corporate Service, are as follows:

(i) *Actuarial Division.* Formulates and advises management on actuarial/underwriting policies of the Corporation; establishes insurance coverages and rates for crops insured; develops actuarial/underwriting formulas and techniques for measuring insurance risks; devises methods for accumulating statistical data for acturial analyses; develops and issues acturial/underwriting procedures, instructions and forms; develops production cost by crops and counties and restricts coverage to the cost of production; provides technical and policy direction of National Service Office actuarial functions and directs four field underwriting offices each under the supervision of a field underwriting office supervisor. These regional supervisors are responsible to the Actuarial Division Director through the field underwriting director for the operation of field underwriting programs in the States comprising the regions.

1. *North Central Regional Underwriting Office,* Room 213, U.S. Post Office and Courthouse, Springfield, Ill. 62701—serving Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, Pennsylvania, Wisconsin, and New York.

2. *Southeast Regional Underwriting Office,* Room M-116, U.S. Post Office and Federal Building, 401 North Patterson Street, Valdosta, GA 31601—serving Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

3. *Southwest Regional Underwriting Office,* Room 117-120, Federal Building, 401 Houston Street, Manhattan, KS 66502—serving Arizona, California, Colorado, Kansas, Missouri, New Mexico, Oklahoma, and Texas.

4. *Northwest Regional Underwriting Office,* Room 221 Central Park Building, 711 Central Avenue, Billings, MT 59102—serving Idaho, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, Wyoming, and Utah.

(ii) *Research and Development Division.* Devises and develops research studies on insured and uninsured crops and counties, the effects of changing climatological conditions and technological developments, and new insurance concepts and territories. Researches and develops proposed insurance programs, forms and related procedures. Collaborates with other agencies, commodity groups, handlers, and processors on proposed projects and research related to new crop insurance programs. Prepares and issues specific and periodic reports and coordinates material for Board of Directors.

(iii) *National Service Office.* The National Service Office is located at 8930 Ward Parkway, Kansas City, MO 64114, and is under the immediate supervision of the National Service Office Director.

This office performs the accounting functions of the Corporation including administrative and program cost accounts through use of automatic data processing, performs contract servicing and audit functions, develops statistical information and prepares statistical and financial reports; processes claims and computes and schedules indemnities for payment; and serves as the central supply and distribution center for forms and procedures.

(3) *Office of the Assistant Manager, Operations.* Collaborates with the Office of the Manager and the Board of Directors in formulating and implementing overall Corporation policies. Formulates and directs a coordinated Marketing and Contract Service program, including all phases of FCIC's sales, claims, loss adjustment, public relations, and field servicing activities. The two divisions and functions which they perform within established policies and regulations and subject to the direction of the Assistant Manager, Operations are as follows:

(i) *Contract Service Division.* Plans, directs and coordinates all Crop Insurance Contract Service activities including developing programs, issuing procedures and instructions and training personnel. Recommends policies, devises and installs systems, methods, procedures, instructions, forms and techniques assuring consistent and equitable adjustment of losses and processing of claims for insured crops and inspection and/or review of applications or acreage reports involving high liability, transfers of interests, unit agreements or unusual or controversial claims. Develops and implements recruiting, training, supervision, career development and incentive programs, standards, methods and techniques. Directs and supervises all functions and activities assigned to Contract Service Centers and county offices. Reviews and approves proposed contract changes.

(a) *Contract Service Centers.* There are 14 Contract Service Centers serving the states in which Crop Insurance is being offered. Each Center is under the supervision of a Contract Service Center Director, who is responsible for the general administration of the loss adjustment, claims and servicing programs in his assigned territory, recruiting and training loss adjustment and service personnel, advising management and recommending contract and other changes. The center director is responsible for the work of offices serving the counties. Claims specialists and assistants supervise and coordinate the work of fieldmen and perform duties dictated by program needs without specific geographical assignments. Contract service centers with the territories which they serve are as follows:

North Dakota: Room 235, Federal Building, 220 East Rosser Avenue, Bismarck, ND 58501.

Texas, Oklahoma, New Mexico: USDA Building, College Station, Tex. 77840.

Georgia, Florida, South Carolina and the following Alabama counties: Baldwin, Barbour, Coffee, Conecuh, Covington, Crenshaw, Dale, Escambia, Geneva, Henry, Houston, Pike: Seventh Floor, Federal Office Building, 901 Sumter Street, Columbia, SC 29201.

Iowa and the following Missouri counties: Adair, Andrew, Atchison, Audrain, Barton, Bates, Boone, Buchanan, Caldwell, Callaway, Carroll, Cass, Chariton, Clark, Clinton, Cooper, Dade, Davies, De Kalb, Franklin, Gentry, Grundy, Harrison, Henry, Holt, Howard, Jackson, Jasper, Johnson, Knox, Lafayette, Lawrence, Lewis, Lincoln, Linn, Livingston, Macon, Marion, Monroe, Montgomery, Nodaway, Pettis, Pike, Platte, Ralls, Randolph, Ray, St. Charles, Saline, Scotland, Shelby, Sullivan, Vernon, Worth: Federal Building, 210 Walnut Street, Des Moines, IA 50309.

Arizona and the following California counties: Fresno, Imperial, Kern, Kings, Madera, Merced, Riverside, Stanislaus, Tulare: Room 4110, Federal Building, U.S. Courthouse, 1130 O Street, Fresno, CA 93721.

Mississippi, Arkansas, Louisiana and the following Alabama counties: Blount, Cherokee, Chilton, Colbert, Cullman, Dallas, De Kalb, Etowah, Hale, Jackson, Lauderdale, Lawrence, Limestone, Madison, Marshall, Morgan, Pickens, Shelby, Talladega, Tuscaloosa: Room 610 Milner Building, 200 South Lamar Street, Jackson, MS 39201.

Montana and the following Wyoming counties: Big Horn, Park, Washakie: 613 Northeast Main Street, Lewistown, MT 59457.

Nebraska, South Dakota and the following Wyoming counties: Goshen, Laramie, Platte: Room 303, Federal Building, Lincoln, NE 68508.

Kansas, Colorado: 2601 Anderson Street, Manhattan, KS 66502.

Tennessee, Kentucky, the following Missouri counties: Butler, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Scott, Stoddard; and the following Virginia counties: Lee, Russell, Scott, Smyth, Washington: U.S. Courthouse, Room 508, Nashville, Tenn. 37203.

North Carolina, Delaware, Maryland, the following Pennsylvania counties: Adams, Chester, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry, York; and the following Virginia counties: Amelia, Appomattox, Brunswick, Campbell, Charlotte, Cumberland, Dinwiddie, Franklin, Greensville, Halifax, Isle of Wight, Lunenburg, Mecklenburg, Nansemond, Nottoway, Pittsylvania, Prince Edward, Prince George, Southampton, Surry, Sussex: Room 612 Federal Office Building, 310 New Bern Avenue, Raleigh, NC 27601.

Illinois, Michigan, Ohio, Indiana, New York and Erie County in Pennsylvania: Room 475, 325 West Adams Street, Springfield, IL 62704.

Washington, Oregon, Idaho, Utah and Modoc County in California: Room 369, U.S. Courthouse, West 920 Riverside Avenue, Spokane, WA 99201.

Minnesota and Wisconsin: Room 222, Federal Building and U.S. Courthouse, 316 Robert Street, St. Paul, MN 55101.

(e) *Office for the county.* Field offices serving one or more counties are established to administer the crop insurance program at the local level. Most of these offices are staffed by regular employees of the Corporation. These offices are charged with the responsibility of servicing crop insurance contracts. They receive and process applications for insurance, contract changes, acreage reports, premiums, notices of loss and notices of cancellation, and related forms to Center and National Service Offices as required. Some counties are handled by agents under contract with the Corporation to both sell and service the insurance. The county actuarial table, which shows the premium rates and coverages available and the insurable acreage in the county, is on file in the office for the county and available for public inspection. Changes in insurance contracts to be effective for a coming crop year are also filed in the office for the county and are available for public inspection. Forms which are required to be used in connection with crop insurance contracts may be obtained at the office for the county upon request. The location of the office serving any county may be obtained from its contract service center.

(ii) *Marketing division.* Develops overall marketing promotion and business retention plans, commodity sales plans, product lines, product mix and product quotas. Reviews and approves contract changes. Develops overall sales training programs, methods, and techniques. Develops sales aids and promotional materials. Develops uniform reporting systems and sales performance evaluation techniques. Prepares procedures, instructions and forms required. Develops sales incentive systems, salesmen qualification standards, and performance appraisals. Works with private insurance groups, communications media, other governmental and nongovernmental agencies, farm organizations, and business groups to promote better understanding, and acceptance of the purpose and value of crop insurance. Advises and assists sales center directors with problems, plans, training, and recruiting. Serves as Washington representative to close large and complex sales and to stimulate sales campaigns. Maintains continuous review of sales, programs, and activities procedures. There is only a staff relationship with sales centers.

(iii) *Sales Centers.* There are 14 sales centers serving the states in which crop insurance is being offered. Each center is under the supervision of a sales center director who is responsible for the general administration of the sales and collections programs in his territory, recruiting and training sales and collection personnel, advising management, supervising district and area sales supervisors and agents and recommending contract and other changes. District and area sales supervisors coordinate and supervise the work of fieldmen and perform duties in specified groups of counties. The sales center addresses and territories served are the same as the previously listed contract service center addresses.

(4) *Office of the Assistant Manager, Administration.* Collaborates with the Office of the Manager and the Board of Directors in formulating overall Corporation policies. Formulates and directs a coordinated Budget and Finance and

Personnel, Management, and Administrative Services program. The two divisions and the functions which they perform, within established policies and regulations and subject to the direction of the Assistant Manager, Operations are as follows:

(i) *Budget and Finance.* Plans, directs and coordinates the fiscal, budget and accounting activities of the Corporation with respect to both capital and administrative funds.

(ii) *Personnel, Management, and Administrative Services Division.* Plans, directs, performs, and coordinates the personnel, management, and administrative services functions of the Corporation, including management improvement; civil rights; staffing, classification, employee and labor relations and benefits; and space, property, records and paperwork management functions.

SEC. 6. *Availability of information and records.* Any person desiring information with respect to crop insurance may request such information from the office for his county, from the contract service or sales center director for his state, or from the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250. Records of the Corporation, including those maintained in the field offices, are currently available for examination in accordance with the rules issued by the Secretary of Agriculture (7 CFR 1.1 et seq.) and the Corporation (32 F.R. 9816).

SEC. 7. *Delegations of authority affecting crop insurance contracts.* The authority delegated by this section to act on behalf of the Corporation in matters affecting crop insurance contracts shall be exercised in accordance with established policies and procedures and subject to the supervision and direction of the Manager. This delegation of authority shall not preclude the Manager from exercising the same authority whenever he deems it necessary under the circumstances.

(a) *Delegations to Contract Service Center Directors.* Each director, in the state or states served by his office, is authorized to: Reject applications for crop insurance; cancel crop insurance contracts in accordance with their terms (but the voidance of a contract for the misrepresentation or fraud of an insured is reserved to the Manager); accept or reject proposed agreements with insureds for the division of insured acreage in a county into two or more insurance units, where a crop insurance contract so provides; approve or reject a transfer of interest under an insurance contract; approve or reject claims for indemnities in accordance with administrative procedure; determine the insured acreage and interest or declare the insured acreage to be zero where the insured fails to timely file an acreage report or files an acreage report which is found to be erroneous; and determine when replanting of an insured crop is practical.

(b) *Delegation to Fieldmen.* The fieldman (known as "Adjuster") assigned to make an inspection of insured acreage, after notice of loss and a request by the insured for consent to put such acreage to another use, is authorized to give such consent in writing on behalf of the Corporation in accordance with the policy and the applicable endorsement and loss adjustment procedure.

(c) *Delegation to Director, National Service Office.* The Director of the National Service Office is authorized to accept applications for insurance, changes in elections, and contract reinstatements; to process or suspend claims for indemnity, and to adjust, cancel, or terminate or suspend collection action with respect to claims for premiums under Public Law 518 (12 U.S.C. 1150 and 1151) and the Federal Claims Collection Act of 1966 (31 U.S.C. 951–953).

SUBPART B—FUNCTIONS AND PROCEDURES

SEC. 8. *Crops Insured.*

(a) The Federal Crop Insurance Act, as amended (7 U.S.C. 1501 et seq.) authorizes the Corporation to insure crops against unavoidable losses on an experimental basis for the purpose of determining the most practical plan, terms, and conditions of insurance for agricultural commodities. Crop insurance may be offered in each year in not to exceed 150 counties in addition to the number of counties in which such insurance was offered in the preceding year. Insurance may be offered each year on not more than three agricultural commodities in addition to those previously insured, except that other agricultural commodities may be included in combined crop insurance (insurance on two or more agricultural commodities under one contract with a producer). Insurance within the limitation set forth above is now offered on wheat, cotton, flax, corn, tobacco, dry beans, citrus, soybeans, barley, peaches, grain sorghum, oats, rice, raisins, peanuts, peas, apples, tomatoes, sugar beets, sugarcane, grapes, and combined crops.

(b) Regulations governing current insurance programs may be found in the FEDERAL REGISTER and in Title 7, Code of Federal Regulations, Parts 401 through 404, 406, and 408 through 413.

Issued this 2d day of December 1971.

Approved by the Board of Directors on September 13, 1971.

[SEAL] MORRIE S. HILL,
Acting Secretary,
Federal Crop Insurance Corporation.

J. PHIL CAMPBELL,
Acting Secretary.

[FR Doc.71-17899 Filed 12-7-71;8:48 am]

DEPARTMENT OF COMMERCE

Maritime Administration

BANK OF STURGEON BAY ET AL.

Notice of Approval of Applicants as Trustee

Notice is hereby given that the following named banking institutions have been approved as trustees pursuant to Public Law 89-346 and 46 CFR 221.21-221.30:

Bank of Sturgeon Bay, with offices at 215 North Third Avenue, Sturgeon Bay, Wisconsin;

The Cleveland Trust Company, with offices at 900 Euclid Avenue, Cleveland, Ohio; and

First Security National Bank of Beaumont, with offices at 505 Orleans Street, Beaumont, Texas.

Dated: December 3, 1971.

BURT KYLE,
Acting Chief,
Office of Domestic Shipping.

[FR Doc.71-17942 Filed 12-7-71;8:50 am]

Office of Import Programs

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00422-73-07700. Applicant: National Aeronautics and Space Administration, Manned Spacecraft Center, Houston, Tex. 77058. Article: 35mm Nikon camera. Manufacturer: Nippon Kogaku, Japan.

Intended use of article: The article will be used in an experiment to photograph with visible ultraviolet light the earth's ozone layer and the twilight airglow. The earth will be photographed through two broad band filters admitting light from several wavelength bands in the ultraviolet, one centered within the ozone absorption region between 2,550 Å and 2,750 Å, and one just outside the ozone absorption region near 3,200 Å.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability to photograph with visible and ultraviolet light through two broadband filters the earth's ozone layer and twilight airglow. We are advised by the National Bureau of Standards in its memorandum dated August 20, 1971, that the capability described above is pertinent to the purposes for which the foreign article is intended to be used. NBS further advises that it knows of no domestic source willing to supply an equivalent domestic camera.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-17926 Filed 12-7-71;8:46 am]

SALK INSTITUTE FOR BIOLOGICAL STUDIES

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00437-33-09500. Applicant: The Salk Institute for Biological Studies, Post Office Box 1809, San Diego, CA 92112. Article: Kerby continuous flow centrifuge. Manufacturer: Varian Techtron Pty., Australia.

Intended use of article: The article will be used to study the body's immune system as particularly related to the control of cancer. Attempts will be made to manipulate the body's response to antigenic stimulation, by draining and processing the body's lymph. The experiments to be conducted will study the possibilities of augmenting the immune response against cancer and against other selected antigens.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The article provides continuous operation without loss of sterility; operates unattended harvesting, washing and returning cells; is self-adjusting for variable flows; and automatically pumps replacement fluid to the patient. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 20, 1971, that the capabilities of the article described above are pertinent to the purpose for which the article is intended to be used. HEW further advises that it knows of no comparable domestic instrument or apparatus with all the pertinent capabilities of the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-17928 Filed 12-7-71;8:46 am]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00368-00-20700. Applicant: University of California, Lawrence Radiation Laboratory, East End of Hearst Avenue, Berkeley, CA 94720. Article: Glass block for Cerenkov counter—two each. Manufacturer, Ohara Glass, Japan.

Intended use of article: The lead loaded glass (two blocks 54 x 54 x 23 cm. and 12 small blocks) will be used to construct a detector for 100 MeV gamma rays.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a detector which fails to detect 100-million-electron-volt gamma rays in fewer than 1 in 3,000 attempts. We are advised by the National Bureau of Standards (NBS) in its memorandum dated July 28, 1971, that detector efficiency provided by the article is pertinent to the applicant's research studies. NBS further advises that it knows of no comparable domestic apparatus being manufactured in the United States that can be used for the applicant's purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-17923 Filed 12-7-71;8:46 am]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00492-00-41200. Applicant: University of California, Los Alamos Scientific Laboratory, Post Office Box 990, Los Alamos, NM 87544. Article: Oscillator tube, Model VKE2409B2. Manufacturer: Varian Associates of Canada, Canada.

Intended use of article: The article will be used in an experiment to uniquely assign the angular momentum quantum numbers to the various states formed in the fissioning nucleus.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has an output power of 5 watts at a frequency of 77.4 gigahertz. The power and frequency of operation of the article are pertinent to the applicant's research studies. The Department of Commerce knows of no instrument or apparatus being manufactured in the United States which provides the pertinent characteristics of the article. The prior recommendation of the National Bureau of Standards relating to Docket No. 71-00213-00-41200, which conforms in essential particulars to the captioned application, is cited as a precedent.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-17924 Filed 12-7-71;8:46 am]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00417-33-46070. Applicant: University of California, San Francisco, Purchasing Department, 1438 South 10th Street, Richmond, CA 94804. Article: Scanning electron microscope, Model S-4, and accessories. Manufacturer: Cambridge Scientific Instruments Ltd., United Kingdom.

Intended use of article: The article will be used for the study of a wide variety of biological tissues including, normal and abnormal blood cells, developing embryos of rats, tumor cells in culture, spermatozoa, serum lipoproteins, developing athrosclerotic plaques, corneal lesions and normal and abnormal gastrointestinal epithelia. Tissues will be frozen-dried or dried by the critical point method, gold evaporated on their surfaces and examined in the scanning microscope. In most cases, it will be necessary to remove surfaces in a step-by-step manner by means of the ion etching device in order to study underlying structures.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides an ion etching accessory. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated July 14, 1971, that the ion etching accessory is pertinent to the purposes for which the article is intended to be used. HEW further advises that it knows of no comparable scanning electron microscope being manufactured in the United States which provided this pertinent capability at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-17925 Filed 12-7-71;8:46 am]

UNIVERSITY OF NEBRASKA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00407-00-46500. Applicant: University of Nebraska, Department of Microbiology, Lincoln, Nebr. 68508. Article: Glass Knife making instrument for ultramicrotome, Model Messer Type C. Manufacturer: Sunkay Laboratory, Inc., Japan.

Intended use of article: The article will be used to make glass knives for ultrathin sectioning of specimens for electron microscopy.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a capability for preparing glass knives for ultramicrotomy by the "free break" principle without the use of glass knife pliers. We are advised by the Department of Health, Education, and Welfare in its memorandum dated May 14, 1971, that the capability described above is pertinent to the applicant's intended purposes and, further, that it knows of no comparable domestic instrument or apparatus that provides this pertinent capability.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-17927 Filed 12-7-71;8:46 am]

UNIVERSITY OF WASHINGTON

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00607-00-46040. Applicant: University of Washington, Department of Mining, Metallurgical and Ceramic Engineering FB-10, Seattle, Wash. 98155. Article: Large angle goniometer stage, ALG-1. Manufacturer: JEOLCO, Japan.

Intended use of article: The article will be used as an accessory to an electron microscope to study the relationships that exist between the structure of metals and alloys and their physical and mechanical properties. Also the article is to be used with the electron microscope in several metallurgical engineering courses.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-17929 Filed 12-7-71;8:47 am]

WILLIAM MARSH RICE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 70-00702-33-86500. Applicant: William Marsh Rice University, Chemical Engineering Department, Post Office Box 1892, Houston, TX 77001. Article: Weissenberg rheogoniometer, Model D. Manufacturer: Sangamo Controls, Ltd., United Kingdom.

Intended use of article: The article will be used for education and research on the viscosity of fluids.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has the capability of measuring normal force, as well as viscosity as a function of the rate of shear. This capability of the foreign article is pertinent to the purposes for which the article is intended to be used.

The Department of Commerce knows of no instrument or apparatus being manufactured in the United States,

which provides the capability of measuring both normal stress and viscosity as a function of the rate of shear.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-17930 Filed 12-7-71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

LaWALL AND HARRISSON RESEARCH LABORATORIES, INC.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2B2720) has been filed by LaWall and Harrisson Research Laboratories, Inc., 1921 Walnut Street, Philadelphia, Pa. 19103, proposing that § 121.2575 *Paraffin, synthetic* (21 CFR 121.2575) be amended by revising the limitations which concern the congealing point to include synthetic paraffin with a congealing point of not less than 110° F. nor more than 250° F.

Dated: November 30, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-17902 Filed 12-7-71;8:48 am]

[FDC-D-390]

MERCK & CO., INC.

S. Q. Prostrep; Notice of Drug Deemed Adulterated

In the FEDERAL REGISTER of June 16, 1970 (35 F.R. 9870, DESI 0162NV) the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on S. Q. Prostrep manufactured by Merck & Co., Inc., Rahway, N.J. 07065.

The announcement informed the manufacturer and all interested persons that such products to be marketed must be the subject of an approved new animal drug application and provided a 6-month period in which to submit new animal drug applications.

Merck & Co., Inc., did not submit a new animal drug application for the above listed product within the 6-month period provided.

Based on the foregoing and on the information before him, the Commissioner of Food and Drugs concludes that the above named drug is adulterated within the meaning of section 501(a)(5) or (6) of the Federal Food, Drug, and Cosmetic Act in that it is not the subject of a new animal drug application approved pursuant to section 512 of the act. Therefore, notice is given to Merck & Co., Inc., and all interested persons that all stocks of S. Q. Prostrep for use in animal feed and all animal feeds bearing or containing this product within the jurisdiction of the act are deemed adulterated within the meaning of the act and are subject to appropriate regulatory action.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 501(a)(5), (6), 512, 52 Stat. 1049, as amended, 82 Stat. 343-351; 21 U.S.C. 351(a)(5), and (6), 360b) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: November 22, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-17900 Filed 12-7-71;8:48 am]

[Docket No. FDC-D-400; NDA 6270, etc.; DESI 6270]

CERTAIN PREPARATIONS CONTAINING HEXACHLOROPHENE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Gamophen Surgical Cake Soap with Hexachlorophene; Arbrook Division of Ethicon, Inc., Route 22, Somerville, N.J. 08876 (NDA 6-270).

2. pHisoHex skin cleanser containing hexachlorophene; Winthrop Laboratories, Division of Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016 (NDA 6-882).

3. pHisoHex Detergent Cream containing hexachlorophene; Cook-Waite Laboratories, Inc., Division of Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016 (NDA 8-402).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new-drug application is required from any person marketing such drug without approval.

The Commissioner concludes that, on an interim basis the labeling stated below will be acceptable pending the results of a major study of all over-the-counter drugs which is being undertaken by the Food and Drug Administration with the assistance of advisory committees.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, current labeling for these products, and other available evidence including evidence of toxic effects associated with the use of hexachlorophene, and concludes that such preparations are:

1. Effective for use as a bacteriostatic skin cleanser.

2. Possibly effective for use in the treatment of impetigo in newborns and other staphylococcal skin infections, cradle cap, and in helping to clear acne.

3. Lacking substantial evidence of effectiveness for use in the relief of pruritus ani, for the broad claim as a vaginal douche, in the treatment of chronic eczema, in irrigating or cleaning wounds and burns, and as an "aid to personal hygiene."

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications under conditions described herein.

1. *Form of drug.* Such preparations are in a form suitable for topical administration.

2. *Labeling conditions.* a. The drug is labeled to comply with all requirements of the Act and regulations. The labeling bears adequate information for safe and effective use of the drug. The "Indications" section is as follows:

INDICATIONS

For use as bacteriostatic skin cleanser.

b. The labeling shall also include prominent and conspicuous warnings. Recent studies confirm absorption into the blood stream when such products are used for daily bathing on infants and adults. Since this use has not been shown to be safe and is only possibly effective, it is contraindicated at this time except under the direction and care of a physician. When used on large burn areas, there are high blood levels and clinical signs of neurotoxicity. The warning statement should read:

WARNINGS

Do not use for total body bathing.
Rinse thoroughly after use.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study" published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new-drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and a supplement for updating information as described in paragraphs (a)(1)(i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new-drug application, the submission of a full new-drug application as described in paragraph (a)(3)(ii) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

d. For indications for which the drug has been classified as possibly effective (not included in the "Indications" section above), continued use as described

in paragraphs (d), (e), and (f) of that notice.

C. *Opportunity for a hearing.* 1. The Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of all new-drug applications and all amendments and supplements thereto providing for the indications for which substantial evidence of effectiveness is lacking as described in paragraph A.3 of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indications. Any related drug for human use, not the subject of an approved new-drug application, offered for the indications for which substantial evidence of effectiveness is lacking may be affected by this action.

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355), and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

3. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing, together with a well organized and full factual analysis of the clinical and other investigational data that the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well controlled clinical investigations (identified for ready review) as described in section 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

4. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 6270, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original abbreviated new-drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

Request for hearing (identify with Docket number): Hearing Clerk, Office of General Counsel (GC-1), Room 6-88, Parklawn Building.

Request for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

Received requests for a hearing may be seen in the office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.210).

Dated: November 29, 1971.

JAMES D. GRANT,
Deputy Commissioner of Food and Drugs.

[FR Doc.71-17776 Filed 12-7-71;8:45 am]

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 8 (Social Security Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (33 F.R. 5835, 5836, April 16, 1968), is hereby amended as follows:

8-B *Assistant Bureau Director, Administration (BRSI)* through *Assistant Bureau Director, Methods and Procedures, Division of Methods and Procedures (BRSI)* is superseded by the following:

Labor-Management Relations and Equal Opportunity Staff (BRSI). Plans and administers the Bureau's labor-management and equal opportunity programs which are developed within the context of established SSA policies, guidelines, and points of interest. Serves as principal contact point within the Bureau for labor relations and equal opportunity matters. Represents the Bureau in negotiations and consultations with the National Council of Payment Center Locals and national Government union officials. Promotes the effectiveness of LMR-EO programs in central office and the payment centers. Counsels BRSI management on practices or techniques which affect this sensitive area. Under the guidance of the Bureau Director, establishes a framework of concepts and objectives to improve the practice and understanding of labor-management relations and equal opportunity.

Division of International Operations (BRSI). Administers the Social Security programs in foreign countries. Develops, adjudicates, and authorizes claims filed by persons living in foreign countries, and determines their continuing eligibility. Establishes and evaluates foreign claims program policies, procedures, and operations, recommending changes or modifications. Provides centralized translation services for SSA. Provides SSA liaison and coordination with DHEW, the Department of State, other Federal agencies, agencies of foreign governments, and private organizations.

Assistant Bureau Director, Administration (BRSI). Directs the Bureau's management programs, including: Financial and facilities management, reports and management information systems, personnel management, and employee development and training. Provides leadership and direction to total communications and issuances in BRSI. Directs the Bureau's planning program including short-range and long-range planning, organization and operational planning, and EDP planning. Coordinates BRSI management program with total SSA management activities. Provides necessary leadership to the management program activities carried out in the payment centers.

Planning Staff (BRSI). Provides direction, leadership and coordination to explore long-range and short-range requirements for the Bureau in such areas as operational planning, management and program planning, and systems planning. Develops Bureau's long-range objectives, including EDP systems development, and assures that BRSI long-range objectives are in accord with SSA and DHEW plans. Provides an industrial engineering approach to problem solving and program planning. Develops studies involving new processing techniques, and maintains overview of local payment center experiments to integrate findings into total BRSI planning.

Division of Management Resources (BRSI). Conducts a comprehensive management program to evaluate and control the allocation of resources and materials throughout BRSI. Develops and implements a total financial management and facilities management program. Develops and maintains a variety of information systems to provide statistical workload, and other pertinent data to interested Bureau components. Provides a variety of management services for the staff of BRSI. Provides leadership and direction to a total communications and issuance system in BRSI including coordinating the development, appraisal, and publication of all BRSI Administrative Directives and technical publications.

Division of Manpower (BRSI). Conducts a comprehensive management program to achieve optimum utilization of the Bureau's workforce. Maintains an organizational structure conducive to the attainment of the Bureau's goals. Responsible for the continuing evaluation and development of manpower utilization and organizational structure. Establishes policies and administers a total Bureau

personnel management, training, and development program to assure uniform application of SSA and DHEW Administrative Directives. Provides a variety of personnel services for the staff of BRSI.

Assistant Bureau Director, Quality Appraisal (BRSI). Directs the development of criteria, techniques, and systems for appraising the effectiveness of the retirement and survivors insurance program administration. Directs a continuing appraisal of the applications of and compliance with retirement and survivors insurance policies and procedures. Identifies problem areas and deficiencies in policies, policy applications, methods, and procedures. Evaluates the effectiveness of retirement and survivors insurance work processes and operations, and the quality of the claims and payment processes.

Division of Program Review (BRSI). Conducts a continuing appraisal of the application of and compliance with policies and procedures in all phases of the retirement and survivors insurance claims process, and the quality of results achieved. Analyzes data flowing from the appraisal activities performed in the BRSI regional offices. Identifies problem areas and deficiencies in policies, policy application, methods, and procedures, and recommends corrective action. Provides advice and assistance to other components of the Bureau and SSA concerning the interpretation and application of appraisal findings and recommendations.

Division of Appraisal Systems (BRSI). Develops criteria and techniques for appraising the application of and compliance with policies and procedures in all phases of the retirement and survivors insurance claims process and the quality of results achieved. Develops and installs systems for collecting and recording data pertinent to appraisal programs. Identifies critical work stations for which quality and/or processing time data is to be obtained. Furnishes advisory and consultative services to the Regional Representatives, RSI, concerning their appraisal activities, and coordinates appraisal systems development with other SSA components engaged in related activities.

Assistant Bureau Director, Program Policy (BRSI). Directs the development, evaluation, and promulgation of all technical policies and substantive procedures of the retirement and survivors insurance program as well as those common to all Social Security benefit programs. Coordinates policies common to all Social Security programs. Directs the development of various technical and instructional materials. Directs negotiations for coverage of State and local government employees. Coordinates RSI program activities with various Federal and State agencies.

Special Projects Staff (BRSI). Plans and directs the evaluation, development, and implementation of major social research projects and policy evaluation studies.

Division of Benefit Continuity (BRSI). Establishes and evaluates policies, substantive instructions, interpretations, and other material concerning postadjudicative processing of benefits in such areas as: Retirement provisions applying to eligibility to receive payments, withholding of benefits in domestic and certain foreign cases; recovery, adjustment, or waiver of overpayments; underpayments; selection of, and use of benefits by representative payees; problems concerning benefit checks; school attendance provisions, and integrity of the benefit rolls. Participates in legislative planning, negotiation with various Federal agencies having responsibility for related work areas, and with other interested private or governmental organizations.

Division of Coverage (BRSI). Establishes and evaluates policies, substantive instructions, interpretations, and other material concerning coverage of employment. Studies and develops provisions relating to agricultural and domestic labor, nonprofit organizations, and State and local government employment; wages and wage exceptions; self-employment (including provisions relating to trade or business, and tax computations); statutes of limitations; and miscellaneous exceptions. Participates in legislative planning, and in negotiation and coordination within the Department, with Federal agencies having responsibility for related work areas, and with other interested private or governmental organizations.

Division of Entitlement (BRSI). Establishes and evaluates policies, substantive instructions, interpretations, and other material relating to: Applications for all types of benefits; insured status; computation and recomputation of benefits; effect of periods of disability; coordination and integration of Social Security programs with military service and with railroad retirement; proofs for such factors of entitlement as age, relationship, and support; and provision for reconsideration and appeal of determinations.

Participates in legislative planning, and in negotiation and coordination within the Department, with Federal agencies having responsibility for related work areas, and with other interested private and governmental organizations.

Division of Technical Services (BRSI). Plans and develops regulations and rulings to provide legal guidelines and interpretations for the administration of the Social Security Act. Develops and publishes compilation of the Social Security Laws and prepares Composite Act devices. Establishes and evaluates policies, substantive instructions, interpretations, and other material concerning: Freedom of information; confidentiality of information; fraud, including false or misleading advertising; and attorney fees. Participates in legislative planning.

Assistant Bureau Director, Liaison and Coordination (BRSI). Directs and coordinates the regional program leadership activity including conference planning, and timing and scheduling of surveys. Reviews and evaluates payment center operations and management to identify current and rapidly emerging problems requiring quick executive action or special executive attention. Facilitates two-way communication between the Bureau Director and Regional Representatives. Provides inter-Bureau and intra-Bureau coordination of activities. Performs special assignments for the Bureau Director, especially those of urgent concern or a highly sensitive nature.

Assistant Bureau Director, Systems and Methods (BRSI). Directs the development, evaluation, and implementation of operating systems and methods to improve the execution of the claims process, the post adjudicative processes, and the various program and folder control activities required in the payment centers. Evaluates systems changes, legislative proposals, and data requests for their impact on payment center activities. Directs RSI critical case and benefit accounting program. Coordinates the Bureau's operating procedures, including EDP operations, with other SSA components and Federal agencies having responsibility in related work areas.

Systems Development and Accounting Staff (BRSI). Develops, validates, and oversees the implementation of RSI program systems. Provides technical advice and guidance to all components of the Bureau concerning systems development and the balancing of benefit payment and premium collection operations. Prepares instructions for the fiscal control and audit operations.

Division of Claims Operations (BRSI). Directs the development and implementation methods for initial and subsequent claims operations, both automated and manually processed. Provides systems to automate the processing of awards through the Realigned Input Program. Develops systems and methods to handle Health Insurance and Supplemental Medical Insurance eligibility and premium collections in coordination with the Bureau of Health Insurance. Provides direction to the payment centers concerning the accuracy and content of outgoing correspondence. Directs the development and implementation of systems for the case and material control operations, and provides operating instructions for the 360/30 Case Control System.

Division of Payment Operations (BRSI). Directs the development and implementation of systems and methods for the postadjudicative processes in the payment centers. Develops systems to automate the various postadjudicative processes such as: The Automatic Earnings Reappraisal Operation (AERO), the Manual Adjustment Program (MADJ), etc. Provides systems and methods for a variety of postadjudicative maintenance programs. Directs the development and implementation of program control

operations. Provides operating instructions for the scheduling and control for the processing of various records, and for processing computer exceptions from the various computer operations.

(Sec. 6, Reorganization Plan No. 1 of 1953)

Dated: November 26, 1971.

STEVEN D. KOHLERT,
Acting Deputy Assistant Secretary for Management.

[FR Doc.71-17904 Filed 12-7-71;8:48 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-332]

ALLIED-GULF NUCLEAR SERVICES ET AL.

Determination Not To Suspend Construction Activities Pending Completion of NEPA Environmental Review

Allied-Gulf Nuclear Services, Allied Chemical Nuclear Products, Inc., and Gulf Oil Corp. (the licensees) are the holders of Construction Permit No. CPCSF-4 (the construction permit), issued by the Atomic Energy Commission on December 18, 1970, and amended March 18, 1971. The construction permit authorizes the licensees to construct a nuclear fuel reprocessing plant designated as the Barnwell Nuclear Fuel Plant at a site in Barnwell County, S.C. The facility is designed for reprocessing spent reactor fuel at an average rate of 5 metric tons per day.

In accordance with section E.3 of the Commission's regulations implementing the National Environmental Policy Act of 1969 (NEPA), Appendix D of 10 CFR Part 50 (Appendix D), the licensees have furnished to the Commission a written statement of reasons, with supporting factual submission, why the construction permit should not be suspended, in whole or in part, pending completion of the NEPA environmental review. This statement of reasons was furnished to the Commission on October 12, 1971, and supplemented with additional information furnished to the Commission on November 4, 1971.

The Director of Regulation has considered the licensees' submission in the light of the criteria set out in section E.2 of Appendix D, and has determined, after considering and balancing the criteria in section E.2 of Appendix D, that construction activities at the Barnwell Nuclear Fuel Plant authorized pursuant to CPCSF-4 should not be suspended pending completion of the NEPA environmental review.

Further details of this determination are set forth in a document entitled "Discussion and Findings by the Division of Materials Licensing, U.S. Atomic Energy Commission, Relating to Consideration of Suspension Pending NEPA Environmental Review of the Construction Permit for the Barnwell Nuclear Fuel Plant, AEC Docket No. 50-332, November 12, 1971."

Pending completion of the full NEPA review, the holders of Construction Permit No. CPCSF-4 proceed with construction at their own risk. The determination herein and the discussion and findings hereinabove referred to do not preclude the Commission, as a result of its ongoing environmental review, from continuing, modifying, or terminating the construction permit or from appropriately conditioning the permit to protect environmental values.

Any person whose interest may be affected by this proceeding, other than the licensees, may file a request for a hearing within thirty (30) days after publication of this determination in the FEDERAL REGISTER. Such a request shall set forth the matters, with reference to the factors set out in section E.2 of Appendix D, alleged to warrant a determination other than that made by the Director of Regulation and shall set forth the factual basis for the request. If the Commission determines that the matters stated in such request warrant a hearing, a notice of hearing will be published in the FEDERAL REGISTER.

The licensees' statement of reasons, furnished pursuant to section E.3 of Appendix D, as to why the construction permit should not be suspended pending completion of the NEPA environmental review, and the document entitled "Discussion and Findings by the Division of Materials Licensing, U.S. Atomic Energy Commission, Relating to Consideration of Suspension Pending NEPA Environmental Review of the Construction Permit for the Barnwell Nuclear Fuel Plant, AEC Docket No. 50-332, November 12, 1971," are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Barnwell County Courthouse, Office of the County Commissioners, Barnwell, S.C. Copies of the "Discussion and Findings * * *" document may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Materials Licensing.

Dated at Bethesda, Md., this 30th day of November 1971.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulations.

[FR Doc.71-17906 Filed 12-7-71;8:48 am]

[Docket No. 40-6622]

UTAH INTERNATIONAL, INC.

Determination Not To Suspend Operations Pending Completion of NEPA Environmental Review

Utah Construction and Mining Co., now Utah International, Inc., 550 California Street, San Francisco, CA 94104, holds License No. SUA-442, issued by the Atomic Energy Commission on January 7, 1971. The license authorizes the licensee to operate a mill for the processing of uranium ore at a site in Shirley Basin, Wyo. The facility is designed to process 1,200 tons of uranium ore per day.

In accordance with section E.3 of the Commission's regulations implementing the National Environmental Policy Act of 1969 (NEPA), Appendix D of 10 CFR Part 50, the licensee has furnished to the Commission a written statement of reasons, with supporting factual submission, why the license should not be suspended, in whole or in part, pending completion of the NEPA environmental review. This statement of reasons was furnished to the Commission on October 12, 1971, and supplemented by information furnished the Commission on November 9, 1971. The Director of Regulation has considered the licensee's submission in the light of the criteria set out in section E.2 of Appendix D, and has determined, after considering and balancing the criteria in section E.2 of Appendix D, that operations at the Shirley Basin Uranium Mill authorized pursuant to License No. SUA-442 should not be suspended pending completion of the NEPA environmental review.

Further details of this determination are set forth in a document entitled "Discussion and Findings by the Division of Materials Licensing, U.S. Atomic Energy Commission, Relating to Consideration of Suspension Pending NEPA Environmental Review of the Operating License for the Shirley Basin Uranium Mill, AEC Docket No. 40-6622, November 18, 1971."

Pending completion of the full NEPA review, the holder of License No. SUA-442 proceeds with milling operations at its own risk. The determination herein and the discussion and findings hereinabove referred to do not preclude the Commission, as a result of its ongoing environmental review, from continuing, modifying, or terminating the license or from appropriately amending the license to protect environmental values.

Any person whose interest may be affected by this proceeding, other than the licensee, may file a request for a hearing within thirty (30) days after publication of this determination in the FEDERAL REGISTER. Such a request shall set forth the matters, with reference to the factors set out in section E.2 of Appendix D, alleged to warrant a determination other than that made by the Director of Regulation and shall set forth the factual basis for the request. If the Commission determines that the matters stated in such request warrant a hearing, a notice of hearing will be published in the FEDERAL REGISTER.

The licensee's statement of reasons, furnished pursuant to section E.3 of Appendix D, as to why the license should not be suspended pending completion of the NEPA environmental review, and the document entitled "Discussion and Findings by the Division of Materials Licensing, U.S. Atomic Energy Commission, Relating to Consideration of Suspension Pending NEPA Environmental

Review of the Operating License for the Shirley Basin Uranium Mill, AEC Docket No. 40-6622, November 18, 1971," are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Carbon County Public Library, Courthouse, Rawlins, WY 82301. Copies of the "Discussion and Findings * * *" document may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Materials Licensing.

Dated at Bethesda, Md., this 30th day of November 1971.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.71-17890 Filed 12-7-71;8:48 am]

[Docket No. 40-6622]

UTAH INTERNATIONAL, INC.

Notice of Availability of Applicant's Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations, notice is hereby given that a copy of a report entitled "Supplement to 'Applicant's Environmental Report Operating License Stage'." submitted by Utah International, Inc. (formerly Utah Construction and Mining Co.), and dated November 8, 1971, is being placed for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545. A copy of the report is also being placed for public inspection in the Wyoming State Clearinghouse, State Planning Coordinator, Office of the Governor, Cheyenne, Wyo. 82001, and in the Carbon County Public Library, Courthouse, Rawlins, Wyo. 82301. The report discusses environmental considerations related to the application by Utah International, Inc., for a license to authorize uranium milling activities in Shirley Basin, Wyo. Comments on the report may be submitted by interested persons to the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Notice of availability of the original environmental report entitled "Applicant's Environmental Report—Operating License Stage," (dated September 3, 1970) was published in the FEDERAL REGISTER on September 24, 1970 (35 F.R. 14865). Notice of availability of the Commission's detailed statement on environmental considerations was published in the FEDERAL REGISTER on January 14, 1971 (36 F.R. 564). Subsequent to the publishing of the latter notice, on July 23, 1971, the United States Court of Appeals for the District of Columbia Circuit held in Calvert Cliff's Coordinating Committee, Inc., et al. vs. United States Atomic Energy Commission et al. that AEC regulations of the implementation of the National Environmental Policy Act of 1969 did not comply in several specified respects with the dictates of the Act and remanded the proceedings to AEC for rule making consistent with the court's opinion. Accordingly, the Commission's regulation 10 CFR Part 50, "Licensing of Production and Utilization Facilities," Appendix D, was amended September 9, 1971, to conform with the court's decision. Under the provisions of the amended regulation, it was required that Utah International, Inc., furnish additional environmental information for consideration by the Commission. It is in conformity with that requirement that the supplemental environmental report described in the first paragraph above has been submitted.

After the original and supplemental environmental reports have been reviewed by the Commission's regulatory staff in the light of the revised 10 CFR Part 50, Appendix D, a supplemental draft detailed statement on environmental considerations related to the proposed activity will be prepared. Upon completion of the supplemental draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of its availability. The summary notice will request, within thirty (30) days or such longer period as the Commission may determine to be practicable, comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Md., this 30th day of November 1971.

For the Atomic Energy Commission.

S. H. SMILEY,
Director,
Division of Materials Licensing.

[FR Doc.71-17891 Filed 12-7-71;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19349, 19350]

WILLIAM R. GASTON AND SANDHILL COMMUNITY BROADCASTERS, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of William R. Gaston, Southern Pines, N.C., requests: Channel 296; 3 kW(H); 3 kW(V); 300 feet, Docket No. 19349, File No. BPH-7380; The Sandhill Community Broadcasters, Inc., Southern Pines, N.C., requests: Channel 296; 3 kW(H); 3 kW (V); 300 feet, Docket No. 19350, File No. BPH-7444; for construction permits.

1. The Commission, by the Chief of the Broadcast Bureau, acting under delegated authority, has under consideration the captioned applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. Sandhill Community Broadcasters, Inc. (Sandhill), proposes to duplicate the programing of commonly owned station WEEB(AM), Southern Pines, about 40 hours each week, while Mr. Gaston would duplicate no other existing station's programing. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. Such evidence will be limited to matters concerning the benefits to be derived from Sandhill's proposed program duplication, and a full comparison of the applicants' program proposals will not be permitted, Jones T. Sudbury, 8 FCC 2d 360, 10 RR 2d 114 (1967).

3. Sandhill proposes to locate its main studio outside the city limits of Southern Pines at the main studio of station WEEB(AM). Mr. Gaston also proposes to locate his main studio outside Southern Pines at his transmitter site. This latter site is only 2 miles outside the city and is easily accessible. It appears that it will be more economical to operate from these sites, and that such operation would not be inconsistent with the public interest. Accordingly, consent to locate the main studios outside the city of license will be granted, pursuant to § 73.210(a)(3) of the Commission's rules.

4. The applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine in light of the evidence adduced pursuant to the foregoing issue, which of the applications for a construction permit should be granted.

6. *It is further ordered,* That consent, pursuant to § 73.210(a)(3) of the Commission's rules, to locate the station's main studio outside the city limits of Southern Pines, N.C., shall be granted.

7. *It is further ordered,* That the applicants shall file a written appearance stating an intention to appear and present evidence on the specified issues, within the time and in the manner required by § 1.221(c) of the rules.

8. *It is further ordered,* That the applicants shall give notice of the hearing within the time and in the manner specified in § 1.594 of the rules, and shall seasonably file the statement required by § 1.594(g).

Adopted: November 23, 1971.

Released: November 29, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.71-17957 Filed 12-7-71;8:52 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 11(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/operator and vessels*
01014---	Robert Bornhofen Reederei: Falkenstein.
01038---	A/S S/S Mathilda: Bow Queen.
01039---	Den Norske Amerikalinje A/S: Bergensfjord.
01051---	Van Nievelt, Goudriaan & Co.'s Stoomvaart Maatschappij (Hamburg) G.m.b.H.: Zosma. Gemma.
01064---	Reinauer Transportation Co., Inc.: Franklin Reinauer II.
01093---	Buckingham Tanker Co., Ltd.: Fort St. Catherine.
01145---	Det Bergenske Dampskibsselskab: Meteor.
01147---	Providence Steamboat Co.: Rhode Island.
01221---	Skibsaktieselskapet Nordhav, Skibs A/S Sydhav, Skibs A/S Osthav: Osthav.
01230---	Skibs A/S Oil Tank: Belline. Hoegh Belmar.
01252---	Aktieselskapet Havtor: Havtroll.
01302---	Boston Fuel Transportation, Inc.: Lucy Reinauer. Vincent Tibbetts.
01354---	H. E. Hansen-Tangen: Evina.
01430---	Tankers Ltd.: Athelbrook.
01544---	Esso Standard Societe Anonyme Francaise: Esso Parentis.
01574---	Fearnley & Eger: Fernbank.
01637---	Sidarma Societa Italiana di Armamento S.p.A.: Lorenzo Marcello.
01719---	Unterweser Reederei G.m.b.H.: Schwanheim. Ginnheim.
01733---	Lucero Compania Naviera S.A. Panama: Ken Trikon.
01817---	The Clan Line Steamers Ltd.: Clan MacLachlan. Clan Sutherland. Clan MacTaggart. Clan MacTavish.
01852---	"Smasco" Ship Management & Supply Co. S.A. Panama: Santa Marina. Santa Katherina II. Santa Evdocia.
01861---	BP Tanker Co., Ltd.: British Signal.
01889---	Gazocean Armement: Gay Lussac.
01919---	Aksjeselskapet Pelagos: Pelikan.
01946---	Overseas Towage & Salvage Co., Ltd.: Neptunia.
02001---	Rederiaktiebolaget Transatlantic: Cooranga.
02076---	World Glade Corp.: World Glade.
02099---	Adina Tanker Corp.: World Monarch.
02202---	Humble Oil & Refining Co.: Esso Arkansas.
02218---	Christian Haaland: Concordia Fonn. North Star.
02240---	Mar Ligure Societa di Navigazione S.p.A.: Mar Tirreno.
02246---	Blue Star Line Ltd.: Empire Star.
02273---	Tito Campanella Navigazione S.p.A.: Clelia Campanella.
02318---	A/R Atlantic: Wilhelm Jebsen.
02357---	A/S Ganger Rolf: Bolinas.
02436---	Alexander Shipping Co., Ltd.: Queensbury.
02458---	The China Navigation Co. Ltd.: Ninghai.
02461---	Puget Sound Freight Lines: F. E. Lovejoy. Indian.
02584---	Seapac, Inc.: PAC 336-3. PAC 336-4. PAC 336-5. PAC 336-6.
02851---	West Pacific Steamship Co.: Paceagle.
02863---	Naviera Aznar, S.A.: Monte Udala.
02870---	Isthmian Lines, Inc.: Steel Engineer.
02872---	States Marine International, Inc.: Wolverine State. Hoosier State.
02889---	Showa Kaiun K.K.: Daishowa Maru.
02923---	Veracruz Shipping Co.: Trinidad.
02933---	Oceanic Development Inc.: Reefer Tuna.
02940---	J. S. Gissel & Co.: IFB-1. REB 1005.
02942---	Seereederei "Frigga" Aktiengesellschaft: Hodur.
02977---	J. Ray McDermott & Co., Inc.: TJ 510E. TJ 511E. TJ 514E. TJ 515E. TJ 516E.
03001---	Manhattan Shipping Co., Ltd., Cyprus: Maria K.
03090---	Malaysia Overseas Lines Ltd., Liberia: Oriental Musician.
03119---	Garante Compania Naviera S.A. Panama: Stylianos Restis.
03255---	Port Line Ltd.: Port Lincoln.
03484---	Sanko Kisen K.K.: Daiko Maru.
03489---	Sanwa Shosen K.K.: Yamakiyo Maru.
03499---	El-Yam Bulk Carriers (1967) Ltd., Israel: Har Ramon. Har Giliad.
03501---	Osaka Shosen Mitsui Senpaku K.K.: Santiago Maru. Takaminesan Maru. Asia Maru.
03503---	Shofuku Kisen K.K.: Misumi Maru.
03509---	Taiyo Shosen K.K.: Ikuyo Maru.
03526---	Uwajima Shosen K.K.: Nippon Hamu Maru No. 1.
03601---	Etela-Suomen Laiva Oy: Alppila.
03676---	Gottfr. Steinmeyer & Co.: Burgwall.
03692---	Marmac Corp.: M-606.
03773---	Penntrans Co.: Penn Sailor.
03841---	American Export Isbrandtsen Lines, Inc.: Container Forwarder. Flying Clipper.
03917---	Mobil Shipping Co., Ltd.: Mobil Pegasus.
03923---	Shinwa Kaiun Kaisha, Ltd.: Kamo Maru.
03926---	Harumi Senpaku Kabushiki Kaisha: Munakata Maru.
04022---	Sinclair-Koppers Co.: MC 905.
04042---	Companhia de Navegacao Maritima Netumar: Neptuno.
04128---	J. Brunvall: Brunette.
04184---	M/G Transport Services, Inc.: Barge OBL-4. Barge OBL-5. Barge ABL-89.
04235---	Bollinger & Boyd Barge Service, Inc.: SBA-100.
04356---	Pacific Far East Line, Inc.: Golden Bear.
04357---	Koninklijke Nedlloyd N.V.: Randfontein.
04359---	Reederei Nord Klaus E. Oldendorff: Elisabeth Berger. Nordfels.
04391---	Columbia Steamship Co., Inc.: Columbia Beaver.
04395---	Permanente Steamship Corp.: Anchorage.
04398---	Hapag-Lloyd Aktiengesellschaft: Augsburg. Blumenthal. Brandenburg. Christianna Pikuritz. Coburg. Duisburg. Innstein. Krefeld. Kulmerland. Lahnstein. Nurnberg. Ravenstein. Reifenstein. Remscheid. Rothenstein. Solingen. Stuttgart. Weissenburg. Wolfsburg. Wuppertal.
04564---	Yamashita-Shinnihon Kisen Kaisha: Suwaharu Maru.
04741---	Elmini Leo Inc.: American Mark.
04742---	Elmini Lama Inc.: American Minx.

Certificate No.	Owner/operator and vessels
04743---	Elmini Logic Inc.: American Mini.
04801---	Three R Towing Co., Inc.: GTC–1. GTC–2. Powell.
04860---	I/S Saga Stripe (Ole Schroder & Co.): Anco Stripe.
04866---	Transportes de Petroleos, S.A.: Maria de los Dolores.
05144---	Beaverdam Tankers Co., Ltd.: Jack.
05165---	Sun Oil Co.: Sunoco 190. Sunoco 200. Sunoco 210.
05286---	Pacific Coast Transport Co.: Point Sur.
05386---	Zip Corp.: Cohansey.
05498---	Energy Transportation Co.: Mary Ormston.
05504---	Wavecrest Shipping Co., Ltd.: Agia Sophia.
05519---	Navipa S.A.: Marisol.
05527---	Rancocas Steamship Co.: Coral Gem.
05535---	Naviera Anayak de Panama, S.A.: Bizkaya.
05598---	Pateras Bros. Ltd.: Arosa. Arendal.
05630---	Newport News Shipbuilding and Dry Dock Co.: Amoco Delaware Forebody.
05743---	Reederei Barthold Richters: Hamburger Damm.
05836---	Takei Gyogyo Kabushiki Kaisha: Masamaru No. 18.
05960---	Castor Shipping Corp.: Castor.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–17939 Filed 12–7–71;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. CP72–148]

TENNESSEE GAS PIPELINE CO.

Notice of Application

DECEMBER 6, 1971.

Take notice that on November 29, 1971, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (applicant), filed in Docket No. CP72–148 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing applicant to transport natural gas for the limited term ending October 31, 1972, for The Berkshire Gas Co. (Berkshire) and to deliver said gas to Berkshire for use in Berkshire's Pittsfield, North Adams, and Greenfield Service Areas, all in Massachusetts, in accordance with the precedent agreement between them dated November 23, 1971, all as more fully set forth in the application which is on file with the Commission and open to public inspection.[1]

Applicant is currently authorized to sell and deliver natural gas to the Worcester Gas Light Co. (Worcester) at various existing delivery points, one of which is applicant's Hopkinton sales meter station. The application indicates that natural gas delivered through the Hopkinton sales meter station can, after delivery, flow from the outlet side of said meter station into Worcester's natural gas distribution facilities and/or into the inlet of the liquefied natural gas plant located in the town of Hopkinton, Mass. Said plant is now operated by Hopkinton LNG Corp. (Hopco).

The application indicates that Berkshire has arranged to purchase natural gas from Worcester at the outlet side of applicant's Hopkinton meter station and that Worcester has agreed to deliver such gas to Hopco for the account of Berkshire. Further, it is indicated that Berkshire has also arranged to have Hopco receive such gas from Worcester for Berkshire's account, to liquefy and store such gas, to revaporize the daily volumes of such gas scheduled for transportation by Berkshire, and to deliver such scheduled daily transportation volumes, for the account of Berkshire, into applicant's existing 24-inch mainline through applicant's existing meter station which interconnects between the outlet side of the LNG Plant and applicant's pipeline.

Applicant states that it will receive from Hopco for Berkshire's account and will transport and deliver to Berkshire the daily transportation volumes scheduled for each of Berkshire's service areas up to a total maximum daily quantity for all service areas combined of 2,586 Mcf of gas per day. All proposed deliveries hereunder will be made by applicant at the existing points of interconnection between applicant's and Berkshire's facilities in the service areas involved. Total transportation and delivery volumes during the limited term for the service areas involved are estimated to be approximately 64,000 Mcf.

Applicant states that it can render the proposed transportation service for the limited term by means of existing facilities. The application indicates that Berkshire will utilize the natural gas received under the proposed transportation arrangement for winter peak shaving purposes in lieu of propane-air that would otherwise be used.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protest and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before December 15, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71–18010 Filed 12–7–71;8:52 am]

[1] Berkshire presently purchases natural gas from applicant for these service areas under applicant's FPC Gas Rate Schedules G–6 and GS–6. Applicant states that the volumes proposed to be transported and delivered herein shall be those daily volumes scheduled by Berkshire in excess of the maximum daily volumes presently authorized for delivery to each of Berkshire's service areas under the aforesaid rate schedules.

GENERAL SERVICES ADMINISTRATION

ENVIRONMENTAL STATEMENTS

Procedures for Implementation of Laws and Directives

Notice is hereby given that the Public Buildings Service has issued the following procedures to its employees for implementing recent laws and directives concerning the environment with regard to the design, construction, alteration, operation, use, and exchange of public buildings and sites, and the lease or purchase of commercial facilities to house Federal activities.

Dated: December 2, 1971.

A. F. SAMPSON,
Commissioner,
Public Buildings Service.

[PBS 1095.1A]

GSA ORDER

ENVIRONMENTAL STATEMENTS

DECEMBER 2, 1971.

1. *Purpose.* This order prescribes the procedures to be followed in implementing

section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190), hereinafter referred to as the Act; Executive Order 11514 of March 5, 1970, Protection and Enhancement of Environmental Quality; section 309 of the Clean Air Act, as amended; and the Guidelines issued by the Council on Environmental Quality (CEQ), for preparing environmental statements, hereinafter referred to as the Guidelines, published in the FEDERAL REGISTER on April 23, 1971, Volume 36, page 7724, with regard to the design, construction, alteration, operation, use, and exchange of public buildings and sites, and the lease or purchase of commercial facilities to house Federal activities.

2. *Cancellations.* PBS 1095.1 is canceled.

3. *Background.* a. Section 102 of the Act directs all Federal agencies (1) to develop methods and procedures which will insure that environmental amenities and values are given appropriate consideration in decisionmaking along with economic and technical considerations and (2) to prepare a detailed statement on recommendations or reports on legislative proposals and major Federal actions that would significantly affect the quality of the human environment. Executive Order 11514 effectuates the purpose and policy of this Act, and Guidelines implementing the Act have been issued by the CEQ. A copy of these Guidelines is included as Attachment A.[1]

b. Section 309 of the Clean Air Act provides that the Administrator of the Environmental Protection Agency (EPA) shall review and comment in writing on the environmental impact of major Federal actions to which section 102(2)(C) of the Act applies when areas of EPA responsibility are significantly affected. Further, section 309 requires that all proposed legislation and regulations related or touching upon areas of EPA responsibility must be submitted to the Administrator of EPA for his review and comment whether or not section 102(2)(C) applies. (See also paragraph 6.e. and 10 of Attachment B.) EPA responsibilities include air and water quality, noise abatement and control, pesticide regulation, solid waste disposal, and radiation criteria and standards.

4. *Responsible officials.* The Regional Director, PBS, the Assistant Commissioner for Operating Programs, and the Assistant Commissioner for Operational Planning are initially responsible (1) for determining whether an action is "major" and will "significantly affect the quality of the human environment" and (2) for preparation and submission of environmental statements on actions within their jurisdiction. Their determinations are subject to review and approval by the Commissioner, PBS. They shall obtain assistance as required from the Assistant Commissioners for Buildings Management, Construction Management, and Space Management.

5. *Procedures.* Implementation procedures are contained in Attachment B to this order.

6. *Reports.* The report required by this order is exempt from the reports control program.

A. F. SAMPSON,
Commissioner,
Public Buildings Service.

ATTACHMENT B

1. *Determination of what is a "major Federal action significantly affecting the quality of the human environment".* This is in large part a judgment based on the circumstances of the proposed action, and the determination shall be included as a normal part of the decisionmaking process.

a. Types of major Federal actions requiring environmental statements include:

(1) Recommendations or reports relating to legislation with a significant environmental impact, including prospectuses for proposed new Federal buildings under the Public Buildings Act;

(2) Administrative actions such as projects and continuing activities with a significant environmental impact supported in whole or in part by a Federal agency through contracts which include procurement of space through lease-construction for Federal agency use, construction, repair and alteration of public buildings, and use of Government-owned property through lease, permit, or license;

(3) Establishment of environmental policy including regulations and procedures;

(4) Actions with significant environmental impact initiated as a result of projects or programs started prior to January 1, 1970, the date of enactment of the Act; and

(5) Any proposed action which is likely to be environmentally controversial.

b. Actions significantly affecting the human environment can be construed to be those that:

(1) Degrade environmental quality even if beneficial effects outweigh the detrimental ones;

(2) Curtail range of possible beneficial uses of the environment including irreversible and irretrievable commitments of resources;

(3) Serve short-term rather than long-term environmental goals;

(4) May be localized in their effect, but nevertheless, have a harmful environmental impact; and

(5) Are attributable to many small actions, possibly taken over a period of time, that collectively have an adverse impact on the environment.

c. Environmental subject areas include, but are not limited to:

(1) Ecological systems such as wildlife, fish, and other marine life;

(2) Human population distribution changes and its effect upon urban congestion (including vehicular traffic), water supply, sewage treatment facilities, other public services, and threats to health;

(3) Actions which directly and indirectly affect human beings through water, air, and noise pollution, and undesirable land use patterns; and

(4) Actions which impact upon the historic, cultural, and natural aspects of our national heritage.

2. *Major actions having no environmental impact.* If a proposed major Federal action is determined not to "significantly affect the quality of the human environment" and not to warrant the preparation of an environmental statement, the Regional Director shall immediately notify the Comissioner, PBS, in writing, and that office will so advise the Office of Environmental Affairs (ADF). The Commissioner, PBS, upon concurrence from the Office of Environmental Affairs, will notify the Regional Director when to proceed with the action.

3. *Actions having an environmental impact.* If the Regional Director determines that the action constitutes a "major Federal action significantly affecting the quality of the human environment", an environmental statement shall be prepared.

4. *Responsibility for environmental statement preparation in multiagency actions.* When two or more agencies are involved in an action, the "lead agency" (the one having primary authority for committing the Federal Government to a course of action) shall prepare the statement. Where there is a question as to primary authority, the Commissioner, PBS, will report the conflict to the Office of Environmental Affairs, for resolution. In cases where GSA is the "lead agency" but one or more other agencies have partial responsibility for an action, the other agencies shall be requested to provide such information to the responsible PBS official as may be necessary to prepare a suitable and complete environmental statement.

5. *Preparation of draft environmental statements.*

a. Each environmental statement shall be prepared in accordance with the precept in section 102(2)(A) of the Act that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on man's environment."

b. It is advisable, in the early stages of draft environmental statement preparation, for the Regional Director to consult with those Federal, State, and local agencies possessing environmental expertise on potential impacts of a proposed action. This will assist in providing the necessary data and guidance for the analyses required to be included in environmental statements as described below.

c. Technical content: (1) A description of the proposed action and/or a reasonable number of alternatives including the information and technical data adequate to permit a careful assessment of the environmental impact of proposed action(s) by commenting agencies. If appropriate, three copies of site maps and/or topographic maps at suitable scales showing the property and the surrounding area shall be provided.

(2) The probable impact of the proposed action(s) on the environment, including impact on ecological systems such as wildlife, fish, and marine life. Consequences of direct and indirect impacts on the environment shall be included in the analysis. For example, any effect of the action on population distribution or concentration shall be estimated and an assessment made of the effect of any possible change in population patterns upon the resources of the area including land use, water supply, public services, and traffic patterns.

(3) Any probable adverse environmental effects that cannot be avoided, such as water or air pollution, undesirable land use patterns, damage to life systems, urban congestion, threats to health, or other consequences adverse to the environmental goals set out in section 101(b) of the Act.

(4) Section 102(2)(D) of the Act requires the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources". A rigorous exploration and objective evaluation of possible alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their costs and impact on the environment shall accompany the proposed action(s) through the agency review process so as not to prematurely foreclose consideration by the Central Office of options which might have less detrimental effects.

(5) The relationship between local short-term uses of man's environment and maintenance and enhancement of long-term productivity shall be discussed. This in essence requires assessment of the action(s) for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

(6) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action(s) should it be implemented. Identify the extent to which

[1] Filed as part of the original document.

the action(s) curtails the range of beneficial uses of the environment.

(7) When prepared, a cost benefit analysis on the proposed action(s) shall be included.

d. Format requirements: (1) Draft and final environmental statements shall be prepared on 8½" x 11" paper in clear black type;

(2) A cover page shall be prepared for each statement following the format prescribed in Figure 1[1] containing all essential bibliographic information to facilitate subsequent identification and retrieval; and

(3) A summary sheet shall be prepared in accordance with the format prescribed in Appendix 1 of the guidelines and shall be attached to the environmental statement.

6. *Submission and distribution of draft environmental statements.* a. Ten copies of the draft environmental statement shall be transmitted to the Commissioner, PBS. The Commissioner, after review and approval, will submit the necessary copies of the draft environmental statement, first to the General Counsel and then to the Office of Environmental Affairs for their concurrence prior to transmittal of the statement to the Deputy Administrator. After being signed by the Deputy Administrator, the statement shall be submitted to CEQ, the appropriate Congressmen, Senators, and the Governor. In submitting the draft statement to the CEQ, a self-addressed Accession Notice Card (NTIS–79) shall accompany each statement. The draft environmental statement will be furnished by CEQ to the National Technical Information Service of the Department of Commerce, which will make the statement available to the public.

b. Upon receipt of the signed copy of the transmittal letter to CEQ, the Regional Director shall immediately send copies of the draft environmental statement to the appropriate city mayor and to Federal, State, and local agencies for comments. (See also subparagraphs c, d, and e below.) In addition, the comments of appropriate State, regional, or metropolitan clearinghouses (using the procedures in the Office of Management and Budget Circular A–95 Revised) shall be solicited unless the Governor of the State involved has designated some other point for obtaining this review. The allowable commenting period for draft environmental statements shall be 30 calendar days, except that EPA shall have a 45-day commenting period. All commenting parties shall be advised that if no reply is received within the appropriate period it will be presumed that they have no comment to offer. However, if requests for extensions are made, a maximum period of 15 calendar days may be granted whenever practicable, except for EPA which is held to its 45-day review period. The transmittal letters sent to commenting parties shall indicate that the draft environmental statement is based on the best information currently available.

c. The Federal agencies that shall be asked to comment on draft environmental statements are those which have "jurisdiction by law or special expertise with respect to any environmental impact involved" or "which are authorized to develop and enforce environmental standards". These Federal agencies (depending on the aspect or aspects of the environment involved) include components of the:

(1) Advisory Council on Historic Preservation;

(2) Department of Agriculture;

(3) Department of Commerce;

(4) Department of Defense;

(5) Department of Health, Education, and Welfare;

(6) Department of Housing and Urban Development;

(7) Department of the Interior;

(8) Department of State;

(9) Department of Transportation;

(10) Atomic Energy Commission;

(11) Federal Power Commission;

(12) Environmental Protection Agency; and

(13) Office of Economic Opportunity.

For actions specifically affecting the environment of their geographic jurisdictions, the following Federal and Federal-State agencies are also to be consulted:

(1) Tennessee Valley Authority;

(2) Appalachian Regional Commission;

(3) National Capital Planning Commission;

(4) Delaware River Basin Commission; and

(5) Susquehanna River Basin Commission.

d. Regional PBS offices circulating draft environmental statements for comment shall have determined which of the above-listed agencies are appropriate to consult on the basis of the areas of expertise identified in Appendix 2 of the guidelines. Draft environmental statements shall be submitted for comment to the regional contact points of agencies being consulted when such offices have been established pursuant to section 7 of the guidelines.

e. In implementing the provisions of section 309 of the Clean Air Act, as amended, the responsible official will submit to the appropriate regional office of EPA for review and comment seven (7) copies of all draft environmental statements related to air or water quality, noise abatement and control, pesticide regulation, solid waste disposal, and radiation criteria and standards.

7. *Preparation of final environmental statements.* Whenever a draft environmental statement is prepared a final statement must also be prepared by the Regional Director, PBS, before the proposed action can be initiated. Preparation of the final statement entails attaching all comments received on the draft statement from Federal, State, and local agencies and officials, and a revision of the text of the draft to take these comments into consideration.

Copies of comments received by the Commissioner, PBS shall be referred to the regional PBS for use in preparation of the final environmental statement.

8. *Submission and distribution of final environmental statements.* The Regional Director, PBS shall transmit 10 copies of the final environmental statement as soon as practicable, together with the original and two copies of each agency's comments, to the Commissioner, PBS. The Commissioner after review and approval will transmit the necessary copies of the final text of the environmental statement to the Office of General Counsel and to the Office of Environmental Affairs for their concurrences. Upon concurrence the final statement will be sent to the Deputy Administrator for submission to CEQ. In submitting the final statement to the CEQ, a self-addressed Accession Notice Card (NTIS–79) shall accompany each such statement. The final environmental statement will be furnished by CEQ to the National Technical Information Service of the Department of Commerce, which will make the statement available to the public.

9. *Time requirements for preparation and submission of draft and final environmental statements.* a. To the maximum extent practicable, no action is to be taken sooner than 90 calendar days after a draft environmental statement has been circulated for comment, and furnished to CEQ. Action also is not to be taken sooner than 30 calendar days after the final text of the environmental statement has been made available to CEQ and the public. If the final text of an environmental statement is filed at least 60 days after a draft statement has been furnished to CEQ and made public, the 30-day period and 90-day period may run concurrently to the extent that they overlap.

b. Time requirements prescribed in this order shall be followed to the maximum practicable extent, except where (1) advanced public disclosure of a proposed action will result in significantly increased costs to the Government; (2) emergency circumstances make it necessary to proceed without conforming to time requirements; and (3) there would be impaired program effectiveness if such time requirements were followed. Any deviation from standard procedures must be approved by the Office of Environmental Affairs.

10. *Preparation and submission of reports other than environmental statements under section 309 of the Clean Air Act, as amended.* The Central Office, PBS, shall prepare reports for all proposed legislation and regulations impacting on environmental areas under the purview of EPA (see subparagraph 3(b) PBS 1095.1A and 6(e) above). These reports shall be sent to the Office of Environmental Affairs for concurrence, and as appropriate, to the General Counsel and/or the Administrator for their concurrence. The Deputy Administrator, after signing the transmittal letter, shall provide the Administrator of EPA seven (7) copies of the report. EPA shall have 45 calendar days in which to comment on the reports.

[FR Doc.71–17920 Filed 12–7–71;8:51 am]

[1] Filed as part of the original document.

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

DECEMBER 3, 1971.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

W 497 Sub 7, United States Lines, Inc., now being assigned January 26, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC–F 11016, Laidlaw Transport Ltd.—Purchase—Pettapiece Cartage Ltd., now being assigned January 17, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC–F 11219, Marsh Motor Haulage, Inc.—Purchase—(1) Action Van Service, Inc., (2) Youngblood Van & Storage Co., Inc., (3) Martin Van & Storage Co., Inc., now being assigned January 21, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 115841 Sub 411, Colonial Refrigerated Transportation, Inc., now being assigned February 22, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 117883 Sub 159, Subler Transfer, Inc., now being assigned January 31, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 119619 Sub 43, Distributors Service Co., now being assigned February 14, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 68078 Sub 34, Central Motor Express, Inc., assigned January 31, 1972, will be held in Room 651, U.S. Courthouse, 801 Broadway, Nashville, TN.

MC-C 7598, Brown Transport Corp. V. Terminal Transport Co., Inc., assigned January 17, 1972, will be held in Room 353, Seventh Street NE., Peachtree Seventh Building, Atlanta, GA.

MC-C-7602, Eastern Bus Lines, Investigation and Revocation of Certificates, now assigned February 7, 1972, at Hartford, Conn., in a hearing room to be designated later.

MC 119531 Sub 146, Dieckbrader Express, Inc., heard November 30, through December 1, 1971, at Washington, is continued to December 21, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 51146 Sub 161, Schneider Transport & Storage, Inc., heard November 30, through December 1, 1971, at Washington, continued to December 21, 1971, at the Offices of the terstate Commerce Commission, Washington, D.C.

MC 887720 Sub 100, Bass Transportation Co., Inc., heard November 30, through December 1, 1971, at Washington, is continued to December 21, 1971, at the Offices of the terstate Commerce Commission, Washington, D.C.

MC 114457 Sub 110, Dart Transit Co., heard November 30, through December 1, 1971, at Washington, is continued to December 21, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 117589 Subs 15 and 17, Provisioners Frozen Express, Inc., assigned December 6, 1971, at Seattle, Wash., will be held in the Olympic Hotel, Fourth and Seneca Street, Seattle, WA, instead of in Room 1057, Federal Offices Building, 909 First Avenue, Seattle, WA.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-17945 Filed 12-7-71;8:50 am]

[Notice 32]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 3, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 50655 (Deviation No. 2), GULF TRANSPORT COMPANY, 505 South Conception Street, Mobile, AL 36603, filed November 23, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express* in the same vehicle with passengers, over a deviation route as follows: From Anna, Ill., over Illinois Highway 146 to junction Interstate Highway 57, thence over Interstate Highway 57 to junction U.S. Highway 51 near Urbandale, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Springfield, Ill., over Illinois Highway 29 to Pana, Ill., thence over U.S. Highway 51 to Du Quoin, Ill., thence over Illinois Highway 152 to junction Illinois Highway 13, thence over Illinois Highway 13 to Carbondale, Ill., thence over U.S. Highway 51 to Cairo, Ill., and (2) from St. Louis, Mo., over Eads Bridge to East St. Louis, Ill., thence over Illinois Highway 3 to Red Bud, Ill., thence over Illinois Highway 154 to Sparta, Ill., thence over Illinois Highway 43 to junction Illinois Highway 13, thence over Illinois Highway 13 to Murphysboro, Ill., thence over Black Diamond Trail via Pomona, Ill., to junction U.S. Highway 51, thence over U.S. Highway 51 to Anna, Ill., thence over Illinois Highway 146 to Jonesboro, Ill., thence over Black Diamond Trail via Elco and Unity, Ill., to Cache, Ill., thence over Illinois Highway 3 to Cairo, Ill., and return over the same routes.

No. MC 63390 (Deviation No. 1), CARL R. BIEBER, INC., Vine and Baldy Streets, Kutztown, PA 19530, filed September 22, 1971, amended November 22, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 22 and Interstate Highway 287 to junction New Jersey Turnpike (Interchange No. 10), thence over the New Jersey Turnpike to junction U.S. Highways 1-9 (Interchange No. 14), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Reading, Pa., over U.S. Highway 222 to junction Pennsylvania Highway 309, thence over Pennsylvania Highway 309 to junction Interstate Highway 78, thence over Interstate Highway 78 to junction Interstate Highway 287, thence over Interstate Highway 287 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction U.S. Highways 1-9, thence over U.S. Highways 1-9 to the New Jersey Turnpike (Interchange No. 14), thence over the New Jersey Turnpike to Interchange No. 16, thence over Interstate Highway 495 to New York, N.Y., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-17948 Filed 12-7-71;8:50 am]

[Notice 38]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 3, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 40719 (Deviation No. 4), PAYNE FREIGHT LINES, INC., 1515 Main St., Des Moines, Iowa 50314, filed November 23, 1971. Carrier's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From St. Joseph, Mo., over U.S. Highway 36 to junction Interstate Highway 35, thence over Interstate Highway 35 (U.S. Highway 39 where Interstate Highway 35 is incomplete) to junction access roads, thence over access roads to Des Moines, Iowa, and (2) from Omaha, Nebr., over Interstate Highway 29 to junction U.S. Highway 34, thence over U.S. Highway 34 to Corning, Iowa, thence over Iowa Highway 148 to the Iowa-Missouri State line, thence over Missouri Highway 148 to junction U.S. Highway 71, thence over U.S. Highway 71 to St. Joseph, Mo., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From St. Joseph, Mo., over U.S. Highway 71 to junction Missouri

Highway 148, thence over Missouri Highway 148 to the Missouri-Iowa State line, thence over Iowa Highway 148 to Bedford, Iowa, thence over Iowa Highway 2 to Mount Ayr, Iowa, thence over U.S. Highway 169 to Afton, Iowa, thence over U.S. Highway 34 to Osceola, Iowa, thence over U.S. Highway 69 to Des Moines, Iowa, and (2) from Omaha, Nebr., over U.S. Highway 275 to junction U.S. Highway 34, thence over U.S. Highway 34 to Afton, Iowa, thence over U.S. Highway 169 to Mount Ayr, Iowa, thence over Iowa Highway 2 to Bedford, Iowa, thence over Iowa Highway 148 to the Iowa-Missouri State line, thence over Missouri Highway 148 to junction U.S. Highway 71, thence over U.S. Highway 71 to St. Joseph, Mo., and return over the same routes.

No. MC 80430 (Deviation No. 12), GATEWAY TRANSPORTATION CO., INC., 2130–2150 South Avenue, La Crosse, WI 54601, filed November 15, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Cincinnati, Ohio, and Atlanta, Ga., over Interstate Highway 75, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Cincinnati, Ohio, over U.S. Highway 25 to Dayton, Ohio, (2) from Dayton, Ohio, over U.S. Highway 35 to Richmond, Ind., (3) from Richmond, Ind., over U.S. Highway 40 to Indianapolis, Ind., (4) from Indianapolis, Ind., over U.S. Highway 31 to junction Alternate U.S. Highway 31, thence over Alternate U.S. Highway 31 to junction U.S. Highway 31, thence over U.S. Highway 31 to Louisville, Ky., (5) from Louisville, Ky., over U.S. Highway 31W to Nashville, Tenn., and (6) from Nashville, Tenn., over U.S. Highway 41 to Atlanta, Ga. (also from Nashville, over Interstate Highway 24 to junction Interstate Highway 75, thence over Interstate Highway 75 to Atlanta), and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-17949 Filed 12-7-71;8:51 am]

[Notice 96]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 3, 1971.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 119619 (Sub-No. 42) (Republication), filed February 1, 1971, published in the FEDERAL REGISTER issue of February 19, 1971, and republished this issue. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 200 West 43d Street, Chicago, IL 60609. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, NY 11432. A report and order of the Commission, Review Board No. 2, decided October 22, 1971, and served November 4, 1971, finds: that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of meat, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in sections A and C of appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from the plantsite and storage facilities of Dubuque Packing Co., at or near Dubuque, Iowa, to points in Illinois, Indiana, Ohio, Michigan, Pennsylvania, New York, Maine, New Hampshire, Rhode Island, Vermont, Massachusetts, Connecticut, New Jersey, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of shipments originating at the plantsite and storage facilities of Dubuque Packing Co., at or near Dubuque, Iowa. Because it is possible that other persons, who may have an interest in and would be prejudiced by the lack of proper notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 116722 (Sub-No. 18), filed November 12, 1971. Applicant: DENVER-CLIMAX TRUCK LINE, INC., 4250 Oneida Street, Denver, CO 80216. Applicant's representative: Kenuff D. Wolford, 946 Metropolitan Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, commodities in bulk, and those requiring special equipment), between Denver and Frisco, Colo., serving no intermediate points, and serving Frisco, Colo., for the purpose of joinder only in connection with carriers otherwise authorized regular route operations; from Denver over U.S. Highway 6 to Frisco, and return over the same route. NOTE: No duplicate authority is sought. This is a matter directly related to MC–F–10955 published November 24, 1971, for the sole purpose of retaining "overhead" operating rights over U.S. Highway 6 between Denver and Frisco, Colo., in connection with applicant's otherwise authorized regular route operations in (Sub-No. 2). If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 120659 (Sub-No. 2), filed November 5, 1971. Applicant: BUSH VAN LINES, INC., 1888 Brown Street, Akron, OH 44301. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between Cuyahoga Falls and Akron, Ohio, on the one hand, and, on the other, points in Ohio. NOTE: The instant application is a matter directly related to No. MC–F–11364, published in the FEDERAL REGISTER issue of November 17, 1971. Applicant states that the purpose of this application is to convert its certificate of registration MC 120659 (Sub-No. 1) to a certificate of public convenience and necessity. Applicant further states that it holds no other interstate authority but intends to interchange with other carriers at Akron, Ohio, under the authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC–F–11361. (Correction) (ANDERSON MOTOR LINES, INC.—Purchase (Portion)—GLOSSON MOTOR LINES, INC.), published in the November 10, 1971, issue of the FEDERAL REGISTER on page 21561. Prior notice should read vendee is authorized to operate as a *contract* carrier in lieu of *common* carrier.

No. MC–F–11365. (Correction) (DEL SHOEMAKER Continuance in Control (1) FLEETLINE, INC., and (2) POLAR TRANSIT, INC.), published in the November 17, 1971, issue of the FEDERAL REGISTER on pages 21923 and 21924. Prior notice should eliminate all reference to BONNEY MOTOR EXPRESS, INC., as Bonney is not an affiliated carrier of applicant.

No. MC-F-11374 (THE GRAY LINE, INC.—Control—DuFOUR BROTHERS, INC.), published in the November 24, 1971, issue of the FEDERAL REGISTER on page 22347. Application filed November 17, 1971, for temporary authority under section 210a(b).

No. MC-F-11379. Authority is sought for purchase by AMERICAN MOVING & STORAGE CO., INC., 7020 Franklin Avenue, Post Office Box 8188, New Orleans, LA 70122, of the operating rights of NORTON GLUECK, 2344 Lark Street, New Orleans, LA, and for acquisition by LOFTIN'S TRANSFER & STORAGE CO., INC., Post Office Drawer 1568, Dothan, AL 36301, and, in turn, by GRADY C. LOFTIN, 718 Dusy Street, Dothan, AL, JEFF D. LOFTIN, 207 Whatley Street, Dothan, AL, and C. LAMONT BRANTLEY, JR., 1503 Seminole Street, Dothan, AL, of control of such rights through the purchase. Applicants' attorney: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Operating rights sought to be transferred: *Household goods*, over irregular routes, between points in Louisiana. The above-described application was formerly docketed as No. MC-FC-72222, American Moving & Storage Co., Inc., New Orleans, La., Transferee, and Norton Glueck, New Orleans, La., Transferor. Related matters are (a) No. MC-F-10838, Loftin's Transfer & Storage Co., Inc.—Control—American Moving & Storage Co., Inc.; and (b) No. MC-128296 (Sub-No. 1) American Moving & Storage Co., Inc.

No. MC-F-11385. Authority sought for purchase by OVERNITE TRANSPORTATION COMPANY, 1100 Commerce Road, Richmond, VA 23224, of a portion of the operating rights of MYERS TRANSFER & STORAGE CO., 418 Third Avenue, Huntington, WV 25701, and for acquisition by J. HARWOOD COCHRANE, also of Richmond, Va., of control of such rights through the purchase. Applicants' attorney: Eugene T. Liipfert, Suite 1100, 1660 L Street NW., Washington, DC 20036. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, new furniture, household goods defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over irregular routes, between points in Cabell and Wayne Counties, W. Va., on the one hand, and on the other, points in Boyd County, Ky., and Lawrence County, Ohio; *general commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, between Huntington, W. Va., on the one hand, and, on the other, certain specified points in Ohio and Kentucky. Vendee is authorized to operate as a *common carrier* in North Carolina, Tennessee, South Carolina, Georgia, Virginia, Alabama, and West Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11386. Application under section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of service. Applicants: LOS ANGELES CITY EXPRESS, INC., 2300 East 48th Street, Los Angeles, CA 90058 (MC-97977), and O.N.C. MOTOR FREIGHT SYSTEM, 2800 West Bayshore Road, Palo Alto, CA 94303 (MC-71459), seeks to enter into an agreement for the pooling of traffic consisting of general commodities moving in interstate commerce between certain specified points in California. Attorney: Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington, DC 20036. LOS ANGELES CITY EXPRESS, INC., is authorized to operate as a common carrier in California.

No. MC-F-11389. Authority sought for control by E. B. LIBE, INC., 160 Broad Street, Phillipsburg, NJ 08665, of WAR-HUNT TRUCKING CO., INC., Route 2, Wescoesville, PA 18106, and for acquisition by RICHARD A. GEORGE, JR., and RICHARD A. GEORGE, SR., both of Box 1763, Route 1, Coplay, PA 18037, of control of WAR-HUNT TRUCKING CO., INC., through the acquisition by E. B. LIBE, INC. Applicants' attorney: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Operating rights sought to be controlled: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points in Hunterdon and Warren Counties, N.J., on the one hand, and, on the other, Providence, R.I., Corning, N.Y., points in that part of Pennsylvania east of the Susquehanna River, points in that part of New York within 150 miles of Newark, N.J., points in that part of Massachusetts on and east of U.S. Highway 5, and points in that part of Connecticut on and east of U.S. Highway 5 and those on U.S. Highway 1 between the New York-Connecticut State line and New Haven, Conn. E. B. LIBE, INC., is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Virginia, Rhode Island, Tennessee, Maryland, Massachusetts, Connecticut, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11387. Authority sought for purchase by OZARK MOTOR LINES, INC., 806 Michigan Street, Memphis, TN 38106, of the operating rights and property of E. B. ST. JOHN, doing business as ST. JOHN TRUCK LINE, Byhalia, Miss. 38611, and for acquisition by M. M. HIGGINBOTHAM, also of Memphis, Tenn., of control of such rights and property. Applicants' attorney: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except dangerous explosives (other than small arm ammunition), household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over regular routes, between Red Banks, Miss., and Memphis, Tenn.; *general commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, between Red Banks, Miss., and Memphis, Tenn., with restriction; *livestock and agricultural products*, over irregular routes, from points in Mississippi south of U.S. Highway 78, within 10 miles of, but not including Byhalia, Miss., to Memphis, Tenn.; *animal and poultry feed and dairy supplies*, from Memphis, Tenn., to the above-specified origin points. Vendee is authorized to operate as a *common carrier* in Tennessee, Missouri, and Arkansas. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11388. Authority sought for control and merger by THE B & F TRANSFER COMPANY, 1201 East Bowman Street, Wooster, OH 44691, of the operating rights and property of H. J. HALL TRUCKING, INC., 120 South Lyman Street, Wadsworth, OH 44281, and for acquisition by VAL-DYNE, INC., III Cascade Plaza, Akron, Ohio 44308, of control of such rights and property through the transaction. Applicants' attorney: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Operating rights sought to be controlled and merged: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between certain specified points in Ohio serving all intermediate points. THE B & F TRANSFER COMPANY is authorized to operate as a *common carrier* in Ohio. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-17950 Filed 12-7-71;8:51 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

DECEMBER 3, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. (unknown), filed November 15, 1971. Applicant: JAYHAWK TRUCK LINES, INC., 1400

Vickers KSB&T Building, Wichita, Kans. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities,* to, from and between Wichita, Kans.; Emporia, Kans.; and a 5-mile radius thereof and Salina, Kans., and a 5-mile radius thereof; and the intermediate points of Walton, Peabody, Florence, Cedar Point, Elmdale, Strong City, Saffordville, Marion, Hillsboro, Galva and the off route points of Cottonwood Falls, Lehigh, Canton, Bridgeport, Assaria, Smolan and Mentor and Lindsborg. From Wichita, Kans., north on U.S. Interstate 35W to Newton, Kans.; thence northeast on U.S. 50 to Emporia, Kans.; thence west and south on U.S. 50 to the intersection of U.S. 50 and Kansas Highway 150; thence west on Kansas Highway 150 to the intersection of Kansas Highway 150 and U.S. 56; thence south and west on U.S. 56 to McPherson; thence north on U.S. Interstate Route 35W to Salina, Kans.; and return over the same route. As alternate routes for operating convenience only: From Wichita, Kans., on U.S. Interstate 35W to Newton, Kans.; thence northwest on U.S. Highway 81 to McPherson, Kans.; thence over designated route as set forth above and return over same route: *Provided,* Said alternate route to be as follows upon the completion of U.S. Interstate Route 35W between Newton and McPherson, Kans.: From Wichita, Kans., north and west on U.S. Interstate 35W to McPherson, Kans., thence over designated route as set forth above and return over the same route. From Wichita, Kans., on Kansas Highway 254 to El Dorado, Kans.; thence on Kansas Turnpike-U.S. Interstate 35 to Emporia, Kans., and return over the same route. Inadequate present service to meet the reasonable requirements of present shippers to consignees. Further, there is new industry in Emporia that has an urgent and immediate need for this proposed service, as present service is inadequate to meet its needs. Both intrastate and interstate authority sought.

HEARING: Wednesday, January 12, 1972, before the State Corporation Commission, Holiday Inn Midtown, 1000 North Broadway, Wichita, KS. Requests for procedural information including the time for filing protests concerning this application should be addressed to the State Corporation Commission, Fourth Floor, State Office Building, Topeka, Kans. 66612 and should not be directed to the Interstate Commerce Commission.

State Docket No. A 53009, filed November 19, 1971. Applicant: BAY AREA–LOS ANGELES EXPRESS, INC., 1400 Seventh Street, San Francisco, CA 94107. Applicant's representative: Martin J. Rosen, 140 Montgomery Street, San Francisco, CA 94104. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities,* as a highway common carrier, between the following points, serving all intermediate points on the said routes and off-route points within twenty (20) miles thereof: (1) Redding to the Los Angeles Basin Territory (as defined in Part III hereof), over U.S. Highway 99; (2) Ukiah to San Ysidro over U.S. Highway 101 and 101 alternate; (3) San Francisco to Sacramento over Interstate Highway 80; (4) San Francisco to Stockton over U.S. Highway 50; (5) Junction of Interstate Highway 80 and California Highway 4 near Pinole to Stockton over California Highway 4; (6) between all points and places located in the San Francisco Territory (as described in Part II hereof), and points located within twenty (20) miles of the boundaries of said territory and (7) between all points and places located in the Los Angeles Basin Territory (as described in Part III hereof), and points located within twenty (20) miles of the boundaries of said territory. Applicant shall not transport any of the following: (A) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in Item No. 5 of Minimum Rate Tariff No. 4–B. (B) Automobiles, trucks and buses, viz: New and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis.

(C) Livestock, viz.: Barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine, or wethers. (D) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment. (E) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. (F) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (G) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (H) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper. (I) Cement. (J) Logs and (K) Commodities of unusual or extraordinary value.

Part II: San Francisco territory includes all the city of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Co. right-of-way at Arastradero Road; southeasterly along the Southern Pacific Co. right-of-way to Pollard Road, including industries served by the Southern Pacific Co. spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to West Parr Avenue; easterly along West Parr Avenue to Capri Drive; southerly along Capri Drive to East Parr Avenue; easterly along East Parr Avenue to the Southern Pacific Co. right-of-way; southerly along the Southern Pacific Co. right-of-way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; notherly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the city of Richmond; southwesterly along the highway extending from the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said Waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.

Part III: Los Angeles basin territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately 2 miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the city of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to

the corporate boundary of the city of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwesterly along U.S. Highways Nos. 60 and 395 to the county road approximately 1 mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the city of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the city of Hemet; southerly, westerly, and northerly along said corporate boundary to the right-of-way of The Atchison, Topeka & Santa Fe Railway Co.; southwesterly along said right-of-way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning. Both intrastate and interstate authority sought.

HEARING: Date, time and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, CA 94102 and should not be directed to the Interstate Commerce Commission.

State Docket No. M–12069, filed October 6, 1971. Applicant: G & H TRANSFER, Red Cloud, Nebr. Applicant's representative: Duane L. Stromer, Tribune Building, Hastings, Nebr. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *Commodities generally,* except those requiring special equipment: Regular route operations: Between Hastings and Franklin via U.S. 281 to Red Cloud; thence via Nebraska Highway 3 to Franklin, serving all intermediate points. Irregular route operations: (A) *Commodities generally,* except those requiring special equipment, between Franklin, Nebr., on the one hand, and, on the other hand, Omaha, Lincoln, Grand Island, and Beatrice, Nebr. (B) *Household goods and emigrant moveables* between points and places within a 20-mile radius of Franklin, Nebr., and between points and places within said radial area on the one hand, and, on the other hand, points and places in the State of Nebraska. Both intrastate and interstate authority sought.

HEARING: 9:30 a.m., December 3, 1971, Commissioner Hearing Room, Lincoln, Nebr. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Nebraska State Railway Commission, Motor Transportation Department, State Capitol Building, Lincoln, NE 68508 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71–17947 Filed 12–7–71;8:50 am]

[Notice 792]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 3, 1971.

Synopses of orders entered pursuant to Section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–73071. By order of November 30, 1971, the Motor Carrier Board approved the transfer to Aggregate Transport, Inc., Hamden, Conn., of the operating rights in Permit No. MC–125771 (Sub-No. 3), issued October 25, 1965, to Cayuga Service, Inc., South Lansing, N.Y., authorizing the transportation of expanded slate aggregate, in bulk, from Castleton, Vt., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, and Rhode Island. John E. Fay, 342 North Main Street, West Hartford, CT 06117.

No. MC–F–73138. By order of November 24, 1971, the Motor Carrier Board approved the transfer to Colvin Motor Lines, Inc., Orange, Va., of certificates Nos. MC–66592 and MC–66592 Sub-No. 8), issued May 4, 1964, and February 27, 1964, respectively, to Frank L. Colvin, doing business as Colvin's Motor Lines, Orange, Va., authorizing generally the transportation of: Poultry, eggs, empty egg-crates, chicken coops, livestock, lumber, feed, fertilizer, household goods, general commodities, galvanized roofing, hardware, seed, wool, canned goods, hardwood flooring, and such materials, equipment, and supplies, as are used in the construction and maintenance of telephone and telegraph lines, between points in Virginia, Maryland, Delaware, Pennsylvania, New Jersey, North Carolina, and the District of Columbia. Ulysses P. Joyner, Jr., Post Office Box 629, Orange, VA 22960, attorney for applicants.

No. MC–FC–73304. By order of November 30, 1971, the Motor Carrier Board approved the transfer to Donald J. Townsend and Joan L. Townsend, doing business as Townsend Van Lines, New Canaan, Conn., of certificate No. MC–40889, issued June 29, 1959, to Helen S. Schilcher, doing business as Scofield Furniture Store, New Canaan, Conn., authorizing the transportation of: Household goods, between New Canaan, Conn., and points in Connecticut and New York within 15 miles of New Canaan, on the one hand, and, on the other, points in Connecticut, Massachusetts, Vermont, New Hampshire, Rhode Island, New Jersey, New York, and Pennsylvania. Robert DeKroyft, 24 Branford Place, Newark, NJ 07102, attorney for applicants.

No. MC–FC–73319. By order of November 30, 1971, the Motor Carrier Board approved the transfer to Canadian American Transfer Limited, Windsor, Ontario, Canada, of the operating rights in certificate No. MC–96563 issued October 19, 1965, to Parent Cartage Ltd., Windsor, Ontario, Canada, authorizing the transportation of general commodities, with exceptions, between Detroit, Mich., on the one hand, and, on the other, ports of entry in Detroit, Mich., on the boundary between the United States and Canada. Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71–17951 Filed 12–7–71;8:51 am]

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